

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF JANUARY 5, 2017

REGULAR MEETING

January 5, 2017 at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Rick Tysdal, Scott Gullickson, Daryl Johnson, Tom Brady, Julie Stone and Travis Schenk

Absent: Craig Mickelson

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

Moved-Seconded (Brady-Stone) to assign Daryl Johnson as secretary for meeting due to Mickelson being absent. Motion Carried.

Moved-Seconded (Schenk-Stone) to approve minutes of the December 1, 2016 meeting. Motion Carried.

Moved-Seconded (Stone-Brady) to approve the agenda with no Mylar for Final Plat Item D. Motion Carried.

Declaration of Conflicts of Interest: Brady item E

Moved-Seconded (Johnson-Stone) to elect 2017 officers being Chairman- Rick Tysdal, Vice-Chairman- Tom Brady and Secretary- Craig Mickelson. Motion Carried.

Report from Amber Vogt, P&Z Director: Meeting dates for 2017 will be on the first Thursday of the month at 1:30 PM in County Commission Room for the rest of the year.

FINAL PLAT for Wilderness Estates

Final plat for Lot 16, Blk 3 of Wilderness Estates 2nd Addition; located in Section 8, T4N, R3E along Hwy 85. Property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. The zoning was changed from PF to PUD in 2011. This property is owned by BH Development LLC and the development of Powder House Pass as well as the original Wilderness Estates. The proposed lots match the original master plan for some townhouse/small lot sizes. Water lines are installed and active. Sewer lines are installed, but are still being pumped into the holding tanks and then being pumped as needed until the treatment plant is installed. This plat includes .524 acres for Lot 16, Blk 3 of Wilderness Estates 2nd Addition.

Moved-Seconded (Brady-Stone) motion to move to approve Final plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Wilderness Estates

Preliminary and Final plat for Block 6 of Wilderness Estates 2nd Addition; located in Section 8, T4N, R3E along Hwy 85. Property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. The zoning was changed from PF to PUD in 2011. This property is owned by BH Development LLC and the development of Powder House Pass as well as the original Wilderness Estates. Water lines are installed and active. Sewer lines are installed, but are still being pumped into the holding tanks and then being pumped as needed until the treatment plant is installed. This plat includes 4.983 acres for Blk 6 of Wilderness Estates 2nd Addition. Jerry Aberle representative for the PUD stated that the old gravel pit at this site is not an active quarry and some of it has been reclaimed.

Moved-Seconded (Brady-Stone) motion to approve as an Exempt plat. Motion Carried.

Moved-Second (Brady-Stone) motion to approve Preliminary plat. Motion Carried.

Moved-Seconded (Stone-Brady) motion to approve Final plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Robert Wasil

Preliminary and Final plat for Tract 35 A-B formerly Lot 35A&35B of Aspen Hills Development. Located off of Tinton Rd. This plat is in order to combine lots. Property is currently zoned PF and they own Lot 35A&35B and they would like to combine these into Tract 35A-B in order to lessen the amount of Road District and HOA fees they will need to pay. This plat includes 11.71 acres for Tract 35 A-B of Aspen Hills Development.

Moved-Seconded (Stone-Schenk) motion to approve as an Exempt plat. Motion Carried.

Moved-Second (Brady-Stone) motion to approve Preliminary plat to be executed on receipt of proper documents. Motion Carried.

Moved-Seconded (Brady-Stone) motion to approve Final plat, to be executed on receipt of proper documents. Motion Carried.

FINAL PLAT for Aberle Chandler Development

Final plat for Lot 20 of Sugarloaf Village. Located off of Hwy 85. Final plat for Lot 20 of Sugarloaf Village. Located off of Hwy 85. Property is currently zoned SRD-Suburban Residential District. The proposed lot meets the preliminary plat approved. There is no fire plan required on this property. It does have a community water system, but individual septic tanks. This plat includes .25 acres for Lot 20 of Sugarloaf Village.

Moved-Seconded (Stone-Schenk) motion to move to approve Final plat. Motion Carried.

INFORMATIONAL MEETING-COZ # 314 for Wilderness Trails LLC/ Kenny Price

Request to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot into 2- 30 acre parcels. Tract 3 of the Sunset Subdivision in Section 1, T6N, R2E. Located along Lookout Mountain Rd. Located along Lookout Mountain Rd. Vogt described the A-2 Zoning considerations and mentioned how the Lookout Mountain area is a growth area in the Lawrence County Comprehensive Plan. Kenny Price stated that he plans to sell the property and has split property near this one a few years ago, making it more affordable for buyers. He explained that both lots will be accessible by County Road. Brady expressed concern about long term road and utility systems lacking in the area.

Public Hearing Set: With Planning and Zoning Board: February 5, 2017.

RECOMMENDATION MEETING-VAR #154 for Todd Ossenfort

Property is legally described as Lot 31 of HES 648 in Sections 3 & 4, T3N, R3E, Lawrence County, South Dakota Located off of Brownsville Rd. The property is 3.77 acres and zoned PF-Park Forest District. All surrounding properties are also zoned PF. Currently, there is modular home with a drive under garage that was permitted in 2006 and an old A-frame cabin was permitted to stay on the property as long as it was not used as a residence. Mr. Ossenfort is two variances one is a 13' variance to the 25' North side setback and the other a 25' variance to the

25' rear setback to be allowed to build a 42 x 60 Morton building. Todd Ossenfort stated he is requesting the variances due to the terrain of the land, aesthetics and the cost associated with dirt work if the variance is not granted.

Moved-Seconded (Brady-Stone) motion to deny Variance due to the request not meeting the definition of variance ordinance per Chapter 16. Motion Carried.

INFORMATIONAL MEETING - ORD 16-03 Extractive Industry

Kevin Farmer, 11749 Crook City Rd, supplied a hand out of Park Forest Zoned Gravel Pit Objections. Vogt provided copies of a email from James Anderson, environmental engineer with GCC Dacotah an industrial extractor of minerals. The email makes statements to the changes in the Extractive Industry Ordinance. There was discussion on state law concerning Boards of Adjustment. Les Auer, 20361 Auer Rd, expressed concern about impact of the Board of Adjustment decisions. Jason Smiley, legal representative for GCC explained how far in advance extractive industries plan for future of investment. Vogt reminded that the Board of Adjustment matter is not part of this Ordinance meeting. Talk continued about access roads and disturbed area definitions. Danielle Wiebers, Manager of Environmental and Safety Affairs, Pete Lien & Sons, Inc. mentioned the use of county road specs as something to be used for access. Vogt stated she would complete the changes to ordinance and the board chose to move to public hearing.

Public Hearing with Planning and Zoning Board Set: March 2, 2017

Items from Planning & Zoning Board Members

Daryl Johnson gave report about the Proposed State Park in Spearfish Canyon. Noting that the County has not been asked to give input at this point. The commission has discussed the issue and has agreed to neutrality. Daryl Johnson will be the County Commission Representative for the P&Z Board with Randy Deibert as Second.

Opportunity for Public Comment

None. The meeting adjourned at 3:30 PM

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF FEBRUARY 2, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, February 2, 2017, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Craig Mickelson, Rick Tysdal, Randy Deibert, Scott Gullickson and Julie Stone

Absent: Tom Brady and Travis Schenk

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

Moved-Seconded (Stone-Gullickson) to approve minutes of January 5, 2017, meeting. Motion Carried.

Moved-Seconded (Stone-Gullickson) to approve the agenda, removing Item H. Motion Carried.

Declaration of Conflicts of Interest: None

FINAL PLAT for Estates at Pillar Peak

Lots 24 & 25 of Estates at Pillar Peak; located in Section 20 & 21, T5N, R4E along Hwy 85. Final plat matches the preliminary plat. This lot is subject to section line criteria that would need to be addressed before a building permit could be issued.

Moved-Seconded (Mickelson-Stone) motion to move to approve the Final plat. Motion Carried.

FINAL PLAT for Greenview LLC

Lot 10 of Greenview Estates; located in 14, T3N, R1E along Hwy 85. Final matches the preliminary.

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

PRELIMINARY & FINAL PLAT for BH Properties LLC

Tract 2D of Powder House Pass; located in Section 8, T4N, R3E along Hwy 85. Preliminary is exempt because Powder House Pass has done an over all fire plan for the entire area. The landowners did an update of the CID at the County Commission on January 24, 2017. This plat is part of a land transfer of larger tracts of land between BH Development LLC and BH Properties LLC. There was a discussion of future land sales in Powder House Pass and the surveyor will be keeping track of overall lot density.

Moved-Seconded (Stone-Mickelson) motion to approve as an Exempt plat because fire plan has been completed. Mickelson:Aye, Tysdal:Aye, Gullickson:Aye, Stone:Aye. Deibert:Nay. Motion Carried.

Moved-Second (Stone-Gullickson) motion to approve the Preliminary plat. Motion Carried.

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

PRELIMINARY & FINAL PLAT for BH Properties LLC

Tract 2E of Powder House Pass; located in Section 8, T4N, R3E along Hwy 85. Preliminary is exempt because Powder House Pass has done an overall fire plan for the entire area. This plat is part of a land transfer of larger tracts of land between BH Development LLC and BH Properties LLC. Deibert asked about easements for utilities and access.

Moved-Seconded (Mickelson-Stone) motion to approve as an Exempt plat because fire plan has been completed. Motion Carried.

Moved-Seconded (Deibert-Stone) motion to approve Preliminary plat with adding notes on the plat of easements for existing utilities and ingress and egress to the adjoining BLM lot. Motion Carried.

Moved-Seconded (Deibert-Gullickson) motion to approve Final plat with adding notes on the plat of easements for existing utilities and ingress and egress to the adjoining BLM lot. Motioned Carried.

PRELIMINARY PLAT for Jeff Sleep

Tract 1 & 2 a subdivision of HES 69; located in Section 18, 19 & 20, T3N, R3E along Besant Park Rd. The original plat was approved on December 2, 2010, it expired in 2012. Mr. Sleep is presenting the same thing and already has a fire plan in place. Owner plans to sell 19 acres on the right side of the road. Fire Plan has not been approved, making this plat non-exempt. Dana Bardsley, supervising civil engineer / assistant forest engineer for the U.S. Forest Service, presented a letter to the board with concerns about access and maintenance on forest service roads and the ROW regarding this plat. Bruce Outka shared information about court cases the county has been involved with relating to the same issues. Deibert shared the County Commission stance on this issue and that a road district is what is preferred by the County.

Moved-Seconded (Stone-Mickelson) motion to approve the Preliminary plat, Motion Carried.

PRELIMINARY PLAT for 4 Bears in the Hills

Lots 16R, 17-21 of Blk 4 and Lots 1A, 1B, 2R of Blk 17 in Apple Springs Subdivision; located in Section 14, T5N, R4E along Hwy 85. Plat matches the original plan for Apple Springs. Being subdivided for smaller unit residences. A final plat would not be approved without sewer system details. Lot 18 and 19 have an easement area across lot 18 for sewer. Deibert suggested adding a note referring to any easements to the plat.

Moved-Seconded (Stone-Mickelson) motion to approve as an Exempt plat. Motion Carried.

Moved-Second (Deibert-Mickelson) motion to approve Preliminary plat. Motion Carried.

PUBLIC HEARING-COZ # 315 for Diane & Leo Orme

Request to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot and split it between the two landowners. The NW 1/4 SW 1/4 of Section 1, T6N, R2E, BHM, Lawrence County, South Dakota and Lot 2A-1 and Lot 2B of the SW 1/4 NW 1/4, SE 1/4 NW 1/4 and NE 1/4 SW 1/4 of Section 1 a subdivision of Lot 2A of the SE 1/4 NW 1/4 and NE 1/4 SW 1/4 and of the SW 1/4 NW 1/4 all in Section 1, T6N, R2E, BHM, Lawrence County, South Dakota Located along Lookout Mountain Rd. The property falls within the Highway 85 Growth Area. This area is on the backside of Lookout Mountain and is adjacent to a large area zoned RR-Rural Residential, the proposed zoning change to A-2 fits with like zoning right next door. There is an existing easement to the NW 1/4 SW 1/4 along Lot 2A-1 to give access from Lookout Mountain Rd. Lot 2B has access to Lookout Mt. Road. Any plats and all building permits will be approved and/or issued by the City of Spearfish.

Proponents: Applicant Leo Orme informed the Board that he has decided to withdraw the request for COZ to RR and consider his neighbors' concerns and request A-2 zoning.

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Deibert-Stone) motion to approve Change of Zoning as it meets considerations for Ordinance Chapter 17. Motion Carried.

Public Hearing Set: With County Commission: February 14, 2017.

PUBLIC HEARING-COZ # 314 for Wilderness Trails LLC/ Kenny Price

Request to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to

subdivide the lot into 2- 30-acre parcels for sale. Tract 3 of the Sunset Subdivision in Section 1, T6N, R2E. Located along Lookout Mountain Rd. The property falls within the Highway 85 Growth Area. This area is on the backside of Lookout Mountain and is adjacent to a large area zoned RR-Rural Residential. Access would come off of Lookout Mountain Rd. Any plats and all building permits will be approved and/or issued by the City of Spearfish.

Proponents: Brian Brook, 1015 Sunset Dr. Real estate agent representing Price, explained the options the change of zoning would make for the sale of the land.

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Stone-Mickelson) motion to approve Change of Zoning. Motion Carried.

Public Hearing Set: With County Commission: February 14, 2017.

RECOMMENDATION MEETING-VAR #155 for Roger Maki

Lot 32A of Pine Oaks S/D. Located off of Timberline Rd. Maki is requesting a 15' variance to the 25' south side setback and a 15' variance to the southwest side setback in order to build a detached garage. The property already has a residence on it. Variance is requested due to the terrain of the land. Amber Vogt, Planning and Zoning Director discussed the increase in variance requests such as this, due to the 25' setback in Park Forest Zoning.

Moved-Seconded (Stone-Tysdal) motion to approve Variance. Tysdal:Aye, Gullickson:Aye, Stone:Aye. Mickelson:Nay, Deibert:Nay. Motion Carried.

Public Hearing Set: With County Commission: February 14, 2017.

Items from Planning & Zoning Board Members:

Tysdal requested to make note of doing an ordinance review of setbacks later in the year. Deibert invited the board members to attend a County Commission meeting when a variance or change of zoning is before them. There was more discussion of road access and maintenance as well as communications between P&Z Office and board members. Vogt gave a short update on the review of Ordinance 16-03.

Opportunity for Public Comment:

None.

The meeting adjourned at 3:18 PM

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF MARCH 2, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, February 2, 2017, at 1:30 p.m. in the Deadwood City Hall- Council Chambers, 102 Sherman St., Deadwood SD 57732.

Present: Tom Brady, Craig Mickelson, Travis Schenk, Rick Tysdal, Julie Stone, Scott Gullickson and Daryl Johnson.

Absent: None

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

Moved-Seconded (Mickelson-Schenk) to approve minutes of February 2, 2017, meeting. Motion Carried.

Moved-Seconded (Stone-Johnson) to approve the agenda, removing Item H. Motion Carried.

Declaration of Conflicts of Interest: Brady: Item B

PRELIMINARY & FINAL PLAT for Buldhaupt, James & Lynn

Tract 1 & 2 of Evangeline #4 and Big Four M.S. 1158 and Lot 1A of Block 1 of Deer Mt Resort Development, No 1, located in Section 18, T4N, R3E Off of Hwy 85 near Deer Mountain. Property is currently zoned PF-Park Forest District and SRD Suburban Residential District. There are three parcels affected by the proposed change. The change is to allow neighbors to work together to purchase a portion of the Big Four Lode without subdivision any of the lots. They will be adding to a few of the lots and decreasing density in the overall area. This will allow the access to Tract 1 to be off of Mule Deer Drive which is a Deer Mt #1 Road District Road. All of the changes will keep all lots over the 2 acre requirements for this zoning district.

Moved-Seconded (Stone-Mickelson) motion to approve as an Exempt plat from fire plan because it is a lot lines adjustment. Motion Carried.

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

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

PRELIMINARY & FINAL PLAT for Dean Lindblad

Preliminary & Final plat for Tract B-1 of the SE ¼ NE ¼ and NE ¼ NE ¼ of Section 19, formerly Lot 2 of the NE ¼ NE ¼ and Tract B of the SE ¼ NE ¼ of Section 19, T5N, R4E. Located off of Hwy 85 on Radio Tower Road. Property is currently zoned PF-Park Forest District. There is currently a residence and a detached garage that sit on the property. After a request for an addition onto the existing detached garage was denied due to the fact that he was unable to meet the 25' side setback and the property in question it was determined that the garage was built over a lot line. It was determined that the original Lot 2 was broken apart from Tract B due to a utility line that was put in, but since this time the utility company has agreed to move the line when the original building was installed again now with the proposed addition. So instead of asking for a variance and since both lots are owned by the same person, replatting them into one parcel would alleviate the need for a variance.

Moved-Seconded (Brady-Schenk) motion to approve as an Exempt plat because it is a lot line adjustment. Motion Carried.

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

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

LAYOUT PLAN for David Winter

Layout plan for Tracts A1-A7, being a subdivision of Tract A of Majestic Estates off of Boulder Canyon Highway in order to break the larger parcel up into smaller parcels to sell portions of it as well as to create the layout for portions to be annexed into the City of Deadwood at a later date. Mr. Winter is planning a tract by tract annex to the the City of Deadwood. Deadwood would not be running services to the Tracts at this time, but once that happens the contractor will provide services within the tract. More detail of access and services will be provided on Preliminary platting. About 202 acres will be annexed to Deadwood and 128 acres would remain County jurisdiction.

LAYOUT PLAN for Brett & Vicki Winsell

Layout plan for Lots 6 thru 16 of Winsell Ranch Subdivision of HES 296 located in Section 11 & 14, T4N, R4E along Sigdestad Rd. The owners are breaking up the HES for future development. The plan meets the zoning ordinance. Brett Winsell has talked with the Forest Service and an easement will be granted, a letter of intent has been given to the owner. Johnson asked about a road district. The Board strongly recommended that a road district be set up prior to submittal of any final plats.

INFORMATIONAL MEETING-COZ # 316 for Jeff & Polly Garrett

Request to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot into 2 parcels & the storage units on a separate lot from the house. Tract G located in the E1/2 SE1/4 of Section 28 and the SW ¼ of Section 27, T7N, R2E. Jeff Garrett reported that the CUP for storage units was granted in 2015 and there would be no changes to it. They began building the units last fall. The building permit was issued by the City of Spearfish. The Garretts are requesting a change of zoning for banking purposes. Amber Vogt, P&Z Director, stated that if approved the CUP would need to be amended to update the legal description. Schenk asked why the proposed boundary line is placed as shown. Vogt explained that a natural ridge and a fence run along that line. A public hearing was scheduled for April 6, 2017 in front of the Lawrence County Planning & Zoning Board.

PUBLIC HEARING - ORD 16-03 Extractive Industry

Rick Tysdal took a moment to thank all the the people and groups that have attended meetings and have been a part of ordinance updating process.

Planning and Zoning Director, Amber Vogt presented the above overview and explained that issue of Extractive Industry becoming a Board of Adjustment item, as discussed in prior P&Z meetings. was not voted on in the P&Z meetings and Staff is not looking to change this item.

Vogt reviewed the changes to the Ordinance:

Definitional changes to Permit Area; Personal Use Sand, Gravel or Rock Extractive Industry; Small-Scale Mineral Extractive Industry; Small-Scale Sand, Gravel or Rock Extractive Industry; Large Scale Mineral Extractive Industry; Large-Scale Sand, Gravel or Rock Extractive Industry The County has 10 different zoning districts and this proposal will affect only the A-1, A-2 and PF Zoning Districts.

A-1 - text be amended as an Allowed Use to include Personal Use Mineral and Sand, Gravel or Rock Extractive Industry.

A-2 text be amended as a Conditional Use to include Personal Use Mineral and Sand, Gravel or Rock Extractive Industry (currently it states Personal Use/Small Scale Quarries)

PF- text be amended as an Allowed Use to include Personal Use Mineral and Sand, Gravel or Rock Extractive Industry (currently it states Personal Use/Small Scale Quarries)

PF- text be amended as Conditional Use to include Small and Large Scale Rock, Gravel or Rock Extraction (currently it is not specifically listed)

I-1- PF- text be amended as Conditional Use to include Small and Large Scale Rock, Gravel or Rock Extraction (currently it states Rock, Sand or Gravel Extraction)

Much of the text changes included throughout the remainder of the document helps to clarify the process and/or the requirements of the application; making sure language is consistent and being called the same in all areas of the document; adding more regulation to what the applicant will need to provide as part of their Conditional Use Permit Application; clarifying the items the P & Z Board and the County Commissioners should review when making a decision on a Conditional Use Permit Application for an Extractive Industry.

Proponents: None

Opponents: Matt Zeitlow, Environmental Mine Manager of Wharf Resources, stated that the company he represents could not support this ordinance change due to the disturbance and buffer zone condition and access road definition. He recommended changes to this portion of the ordinance. Kevin Farmer, 11794 Crook City Rd., referred to article 3 section 1.2 of the ordinance, Park Forest District (PF). He asked why the board suggests adding PF to allow personal use. Leslie Auer, 20361 Auer Rd., thanked the Board and Amber for their input working on this ordinance. He said that he is opposed to the ordinance due to the addition of PF for Extractive Industry. Stan Takahashi 12152 Spring Canyon Rd, Asked for clarification of Article 3 and of large, small and personal use, in regard to CUPs.

Proponents: Bruce Outka, Lawrence County deputy State's Attorney, clarified terms allowed use and personal use. Vogt addressed Mr. Takahashi's question, stating that the ordinance needs to specify or not specify the need for CUP. Jason Smiley, the legal representative for GCC Dacotah cement plant, stated that the aggregate rock supply is in the zones affected by this ordinance and not changing the ordinance to clarify definitions would have a negative impact on future County economy and infrastructure. Outka shared that after going over the Comprehensive Plan, he found that 63% of the County has PF zoning. Vogt addressed Farmer's question about personal use in PF. Expressing that small scale extractive industry was stated as allowed in PF and would now be allowed as personal use. The small scale industry would need a CUP. Vogt talked about that CUPs need to have a long-term plan presented with application and mining CUPs are reviewed yearly.

Opponents: Doug Hayes, 282 Upper Valley Rd, shared that the 10-acre disturbance area should be limited on small scale quarries. He is for limiting overall acreage for small scale quarries.

Board Discussion: Mickelson reminded that the 10 - acres would be reclaimed before another ten acres would be mined. Gullickson stated concern with 250,00 tons of rock excavated for small scale quarries, as being a large amount in a ten-acre location. Brady mentioned that old CUPs would be grandfathered and referred to the letter sent by Pete Lien & Sons, Inc. regarding the term mineral extraction and request for a 90 day grace period to correct CUP compliance issues. Johnson did not prefer to make changes to that part of the ordinance because it limits the Commission's authority to close a CUP if needed. Stone

stated that she is uncomfortable with the 500' boundary inside the permit boundary.

Moved-Seconded (Brady-Schenk) motion to approve Recommendation of Ordinance 16-03 as presented except for the following revisions:

Make sure the language in all districts and in the definitions read in the same order as Sand, Gravel or Rock, plus the addition of the following:

I-1- text be amended as Conditional Use to include Small and Large Scale Sand, Gravel or Rock Extraction (currently it states Rock, Sand or Gravel Extraction). Roll Call Vote: Aye: 6 - Brady, Mickelson, Schenk, Tysdal, Gullickson, Johnson; Nay : 1-Stone. Motion Carried.

Public Hearing with County Commission set for March 28, 2017, 9 AM.

DISCUSSION

Vogt presented that it is time for the 5 year updating of the County Zoning Map and possibly making Administrative Changes to specific properties, She will bring printed county map to the next meeting for Board to consider changes of zoning for certain areas of greater development.

Items from Planning & Zoning Board Members

None

Opportunity for Public Comment

None

The meeting adjourned at 3:30PM

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

Date: _____

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF APRIL 6, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, April 6, 2017, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Craig Mickelson, Rick Tysdal, Scott Gullickson, Daryl Johnson, Tom Brady and Travis Schenk
Absent: Julie Stone

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

Moved-Seconded (Schenk-Gullickson) to approve minutes of March 2, 2017, meeting. Motion Carried.

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

Declaration of Conflicts of Interest: None

PRELIMINARY & FINAL PLAT for Kinship Mt Ministries

Preliminary & Final plats for Tracts 1A & 1B of Kinship Mt Estates, Section 15 & 16 T3N, R4E. Located off of Hwy 385 & Paha Sapa Rd. This property is currently zoned PF-Park Forest District. Allowing 8 residences per 40 acres. They have a total of 60.82 acres. They are asking to be allowed to break off 5 acres to be sold as Tract 1B and then are platting the remainder into Tract 1A with 59.45 acres. A letter was submitted from Rob Mattox that most of the work has been completed. On October 6, 2016 Planning & Zoning denied the preliminary plat. Mr. Winter chose to move forward with the denial to the County Commission on October 10, 2017 and at this meeting the County Commission approved the preliminary plat with the condition that the final plat could not be approved until the fire plan was completed and the section line running across lot 1B was vacated. It has been presented again, due to the fact the County Commissioners request the Section line be Vacated across Lot 1B prior to it being platted. So because this change has occurred we felt it necessary to re-approve the preliminary and the final plat with this noted change.

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

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

FINAL PLAT for Karen Dilts

Final plat for Lot 25 of Country Club Estates being a subdivision of Tract 2A of a portion of HES 42 and HES 39; all located in Section 36, T4N, R2E and Section 31, T4N, R3E. Located off of Hannah Road near golf course. Property is zoned SRD-Suburban Residential and Lot 25 is (1.36 ac). The Country Club Estates has public water system and individual septic tanks and all roads are complete. The plat matches the original preliminary plat.

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

FINAL PLAT for Greenview LLC

Final plat for Lot 7 of Greenview Estates being a subdivision of Greenview Estates Tract, being a part of the remainder of HES 500 and being a part of Lot 1 of Tract A of HES 500 all located in Section 14, T3N, R1E. Located off of Us Hwy 85. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF. This property is a pre-existing subdivision and has already met the

requirements of the subdivision ordinance. Currently, there are no structures on the property. Matches the preliminary plat.

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

PRELIMINARY & FINAL PLAT for Emmert Family Trust and Ernest & Kimberly Rupp

Preliminary & Final plat for Lot 1A-1 and 6A-1 of the Estates at Pillar Peak, located in Section 20 & 21, T5N, R4E. Located off of Us Hwy 85. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF. This property is a pre-existing subdivision and has already met the requirements of the subdivision ordinance. Currently, Lot 2A of the Estates at Pillar Peak has the driveway to Lot 1A-which is owned by Rupp's. But the driveway sits on 2A which is owned by the Emmert Family Trust. The two landowners are working together to split lot 2A into two and re-plat those portions into their existing lots, in order to get rid of the access easement.

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

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

PRELIMINARY PLAT for BH Properties LLC & BH Development LLC

Preliminary plat for Tract 2B-1 of Wilderness Estates 2nd Addition; located in Section 18, T4N, R3E along Hwy 85. Property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. The zoning was changed from PF to PUD in 2011. This property is owned by BH Properties LLC & BH Development LLC and the development of Powder House Pass as well as the original Wilderness Estates. Water lines are installed and active. Sewer lines are installed, but are still being pumped into the holding tanks and then being pumped as needed until the treatment plant is installed. In August of 2011 the owners broke Tract 2B off in order to create more manageable lots sizes. Now they are subdividing this lot down even further. The proposal is creating a 1.744 acre lot out of the original Tract 2B which is now 37.975 acres is planned to be the lot for the development community center.

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

FINAL PLAT for BH Development LLC

Final plat for Lot 2, Blk 4 of Wilderness Estates 2nd Addition; located in Section 7 & 8, T4N, R3E along Hwy 85. Property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. The zoning was changed from PF to PUD in 2011. This property is owned by BH Development LLC and the development of Powder House Pass as well as the original Wilderness Estates. The proposed lots match the original master plan for some townhouse/small lot sizes. Water lines are installed and active. Sewer lines are installed, but are still being pumped into the holding tanks and then being pumped as needed until the treatment plant is installed. This plat includes 1.024 acres for Lot 2, Blk 4 of Wilderness Estates 2nd Addition.

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

FINAL PLAT for Maitland Partners, LLC

Final plat for Lot 67 of Tract M of Paradise Acres III; located in Section 17, T5N, R3E along Maitland Road. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF.

This property is a pre-existing subdivision and has already met the requirements of the subdivision ordinance. Currently, there are no structures on the property. Matches the preliminary plat.

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

PRELIMINARY & FINAL PLAT for Dennis M. Rehorst

Preliminary & Final plat of Lot B1 and Lot B2, a subdivision of Lot B, of the remainder of the SW 1/4 NW 1/4 and the S 32 feet of the NW 1/4 NW 1/4, all located in Section 26, T7N, R3E along St. Onge Road. Property is currently zoned RR-Rural Residential District and the surrounding property is mostly zoned A-1 General Agriculture and is directly adjacent to SRD-Suburban Residential District. This property was originally zoned A-1, but in 2008 it was rezoned to RR in order to build a home on the property on Lot A and at that time a CUP was also issued for the Beulah Rehorst original house and Dennis Rehorst mobile home to remain on Lot B until such time that Beulah Rehorst passed away. A little over a year ago Beulah Rehorst did pass way and we have been working with Dennis Rehorst to figure out a way to best cancel the old CUP, as well as keep the old farmstead house in tact on one lot and create a new lot for his existing home. Mr. Rehorst has decided to create Lot B1 to keep the existing farmstead house and two outbuildings on one parcel of 2.10 acres and keep the remaining mobile home and another shop building on Lot B2 with acreage of 35.94 acres.

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

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

RECOMMENDATION MEETING-VAR # 156 for Connie Schlepp

Requesting a 19' variance to the 25' setback to leave a 6' front setback off of the SW and SE corners of a detached garage to be rebuilt that is falling in. Current structure is 19x19 and they would like to replace it with a 24x24 garage. The property is .20 acres off of Blacktail Bench Road. Tract D of Placer Claim 120 of Section 28, T5N, R3E and zoned SRD-Suburban Residential District. All surrounding properties are also zoned SRD.

Moved-Seconded (Brady-Mickelson) motion to deny Variance due to the request not meeting the requirements of the ordinance per Chapter 16 and that a person has a right to maintain a nonconforming structure but if it is removed you do not have a right to replace it within that footprint and certainly not to enlarge it. The fact that it might be nice to have a garage, it doesn't prevent free use of the property, because it can continue to be used. Motion Carried.

Public Hearing Set: With County Commission: April 25, 2017.

PUBLIC HEARING-COZ # 316 for Jeff & Polly Garrett

Requesting a COZ from A-1 General Agriculture to A2 Residential Agriculture. On property legally described as Tract G , being a portion of Johnson S/D, located in the E ½ of the SE ¼ of Section 28 and the SW ¼ of Section 27, T7N, R2E. Garrett's currently have a CUP # 432 that is under construction for storage units on the front part of this property closest to Hwy 85. They would like to be able to break off the portion created for the storage units from their house portion. The Garrett's intend to plat 16 acres of

plan which will go through the City of Spearfish. The property falls within the Highway 85 Growth Area. The Sewer line runs directly across this lot and if any more intense development were to occur they will be required to hook into the City sewer system.

Proponents: Applicant explained why he is requesting A-2 zoning as opposed to commercial zoning, stating that most of the area is still Zoned Ag.

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Mickelson-Brady) motion to approve Change of Zoning as it meets considerations for Ordinance Chapter 17. Motion Carried.

Public Hearing Set: With County Commission: April 25, 2017.

INFORMATIONAL MEETING-COZ # 317 for Gregg Wolff

Request to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to make an existing 25.59 acre noncompliant lot, a compliant lot. Tract 2 of the SW 1/4 of Section 7, T6N, R3E. Located S of intersection of Lookout Mt Rd & N 27th St and West of the Airport. This property is close to the end of the runway and may need to comply with FAA requirements. This COZ is linked to ORD 17-01 for Kelli Wilson.

Public Hearing Set: With Planning and Zoning Board: May 4, 2017.

INFORMATIONAL MEETING-ORD 17-01 for Kelli Wilson

Request to add Guided Athletic Training Facility to the following Articles & Sections: Article 2 - A-2 Residential Agriculture District, Section 1.4 Conditional Uses- # 18; Article 3- PF- Park Forest District, Section 1.4 # 34 and Article 4-RR-Rural Residential District, Section 1.4, # 22. These changes would affect any portion of property zoned as listed above. This specific terminology (Guided Athletic Training Facility) is not an option in the conditional uses for these requested zoning districts and the applicant would like to have the option, if other property is purchased for the facility. Brady mentioned that this type of use is not inconsistent with other conditional uses in these zones.

Public Hearing Set: With Planning and Zoning: May 4, 2017.

Items from Planning & Zoning Board Members:

Amber Vogt, Planning and Zoning Director reminded the Board that the bond is expiring for the Powder House Pass PUD in May and that the owners and local contact have been informed that updated bond needs to be in to Planning and Zoning by April 25th so not to disrupt any permitting and platting planned for the area. There was discussion about the time lapse between some preliminary plats and final plats in regard to fire plans. Daryl Johnson shared with the Board, the issues considered by the County Commission with regard to the Extractive Industry Ordinance 16-3.

Opportunity for Public Comment:

None.

The meeting adjourned at 2:50 PM

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

Date: _____

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF MAY 4, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, May 4, 2017, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Craig Mickelson, Rick Tysdal, Daryl Johnson, Tom Brady, Julie Stone and Travis Schenk

Absent: Scott Gullickson

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

Moved-Seconded (Stone-Brady) to approve minutes of the April 6, 2017, meeting. Motion Carried.

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

Declaration of Conflicts of Interest: Stone: Item C

PRELIMINARY & FINAL PLAT for Todd & Jody Pennings

Preliminary & Final plats for Lot 22 A of Paradise Acres, formerly Lots 22 & 23 of Paradise Acres, Section 7, 17 & 18 of T5N, R3E. Located off of Maitland Road. Property is currently zoned PF-Park Forest District. This property has already met the requirements of the subdivision ordinance. The Pennings own Lot 22 & 23 and they are wanting to re-plat them into 1 lot called Lot 22A. Residence currently sits on lot 22.

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

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

PRELIMINARY & FINAL PLAT for Homestake Mining Co - Preliminary & Final plats for Lot E-1 being a portion of Tract E of Yates Subdivision located in N 1/2 of Sect 34, T5N, R3E. Located at corner of Hwy 85 & 385. Property is currently zoned I-1 General Industry District and the surrounding property is zoned SRD and GC as well as the City Limits of Deadwood. Homestake Mining Company is selling this piece to the adjacent landowner.

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

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

LAYOUT PLAN for David & Terry Ciani

Layout plan for Tract 6, 7 & 8 of the Ciani Tracts, formerly the remainder of the NW 1/4 SW 1/4 and the S 1/2 S1/2 NW 1/4 of Section 32, T6N, R4E. Purpose is to subdivide the lots and sell Tract 6. Plan does meet all requirements. Brady recommends to make Tracts 1 & 2 part of Tract 6 when platting. Properties will need a fire plan as well.

RECOMMENDATION MEETING-VAR # 157 for Todd Ossenfort - Lot 31 of HES 648, Section 3 & 4 of T3N R3E along Pahkamaa Road near Brownsville. The property is 3.77 acres and zoned PF-Park Forest District. After denial for a separate Variance request at the January 5, 2017 Planning & Zoning Meeting and at the January 24, 2017 County Commission Meeting this request was denied. Mr Ossenfort is requesting a 10' Variance to the 25' North property line side setback in order to build a 42'x16'60' Morton Building - detached pole building. Currently, there is modular home with a drive under garage that was permitted in 2006 and an old A-frame cabin was permitted to stay on the property as long as it was not used as a residence. Brady stated that under zoning ordinance the board does not have authority to approve recommendation.

Moved- Seconded (Brady-Stone) motion to deny the request as submitted; based on the staff report and that within the criteria that the board considers, they can not find any facts to justify a variance per Chapter 16 of the Ordinance. Motion Carried.

Public Hearing with County Commission set for May 23, 2017, 9:30 AM.

RECOMMENDATION MEETING-VAR # 158 for Connie Schlepp - The property is .20 acres, Tract D of Placer Claim 120 of Section 28, T5N, R3E. and zoned SRD-Suburban Residential District. Ms. Schlepp is requesting to tear down the existing garage and replace it in the same location. Current structure is 19x19 and they would like to replace it. They are requesting an 18' front setback variance to the 25' front setback off of Blacktail Bench Road. This would leave a 7' front setback. Connie Schlepp stated that she looked into digging deeper into her yard to make the garage larger and found that it is possible to do that, if the board requires it. Brady stated that if this was not an historic structure there would not be a variance permitted. Johnson said that as it stands now, it is a public safety issue.

Moved- Seconded (Johnson-Schenk) motion to approve recommendation as submitted per Chapter 16. Roll Call Vote: Aye: 4 - Stone, Schenk, Tysdal and Johnson; Nay: 2-Brady and Mickelson. Motion Carried.

Public Hearing with County Commission set for May 23, 2017, 9:45 AM.

PUBLIC HEARING-COZ # 317 for Gregg Wolff - Tract 2 of the SW 1/4 of Section 7, T6N, R3E. Located S of intersection of Lookout Mt Rd & N 27th St and West of the Airport. Requesting to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to make an existing 25.59 acre non-compliant lot a compliant lot.

Proponents: Gregg Wolff shared that he has had contract with the FAA and there will be height restriction for buildings on this property.

Opponents: None

Proponents: None

Opponents: None

Moved- Seconded (Brady-Stone) motion to recommend to the County Commissioners approval of COZ 317 from A-1 to A-2 per Chapter 17 with the caveat of FAA considerations. Motion Carried.

Public Hearing with County Commission set for May 23, 2017, 9AM.

PUBLIC HEARING-ORD 17-01 for Kelli Wilson - Request to add Guided Athletic Training Facility to the following Articles & Sections: Article 2 - A-2 Residential Agriculture District, Section 1.4 Conditional Uses- # 18; Article 3- PF- Park Forest District, Section 1.4 # 34 and Article 4-RR-Rural Residential District, Section 1.4, # 22. These changes would affect any portion of property zoned as listed above.

Proponents: None

Opponents: None

Proponents: None

Opponents: None

Moved- Seconded (Brady-Schenk) motion to recommend to the County Commissioners approval of ORD 17-01 per Chapter 18. Motion Carried.

DISCUSSION ITEMS

Turner Johnson discussed a proposal for a private restricted use site in Lawrence County within 3-5 years. He is researching whether this is agreeable with the State, County and neighbors. He is looking at placement outside of St Onge. It would be for recycling as opposed to a landfill. It would be used for 2-3 decades. Vogt stated that it is a different type of site than what we have in the County thus far. Brady and Johnson discussed issues that would have to be looked at before allowing this type of site: access, dust control, visual impact, drainage, run-off issues and erosion control issues. Turner Johnson said that he would like to see it put on 40 acres where he would purchase the surrounding land. His thoughts are that 5-10 acres that would be used at a time with reclamation after usage. Vogt said that there would have to be an ordinance amendment to some of the zones that it could be allowed in.

Items from Planning & Zoning Board Members:

None

Opportunity for Public Comment:

None

The meeting adjourned at 2:37 PM

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

Date: _____

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF JUNE 1, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, June 1, 2017, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Craig Mickelson, Rick Tysdal, Daryl Johnson, Julie Stone and Travis Schenk

Absent: Scott Gullickson and Tom Brady

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

Moved-Seconded (Mickelson-Stone) to approve minutes of the May 4, 2017, meeting. Motion Carried.

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

Declaration of Conflicts of Interest: None.

PRELIMINARY & FINAL PLAT for Stuart & Joanna Fromm

Lots 12A & 13A of Country Club Estates being a subdivision of Tract 2A of a portion of HES 42 and HES 39 all located in Section 36, T4N, R2E and Section 31, T4N, R3E. Located off of Hannah Road.

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

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

PRELIMINARY for BH Development LLC and BH Properties LLC

Lots 1-9, Blk 7 and Lots 1-6, Blk 8 Wilderness Estates 2nd Addition, Section 7, 8, 17, 18, 19 & 20, T4N, R3E. Located off of Hwy 85.

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

FINAL PLAT for BH Development LLC

Lots 2, Blk 5 Wilderness Estates 2nd Addition, Section 7, 8, 17, 18, 19 & 20, T4N, R3E. Located off of Hwy 85.

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

PRELIMINARY PLAT for BH Development LLC and BH Properties LLC

Lots 1-5, Blk 1 of Trailside Addition being a portion of Tract 2C of Wilderness Estates 2nd Addition, Section 7, 8, 17, 18, 19 & 20, T4N, R3E. Located off of Hwy 85.

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

FINAL PLAT for BH Properties LLC & BH Development LLC

Tract 2B-1 of Wilderness Estates 2nd Addition; located in Section 18, T4N, R3E along Hwy 85. Moved-Seconded (Stone-Schenk) motion to approve the Final plat. Motion Carried.

LAYOUT PLAN for Dennis Winsell

Lots 1-19 of Spring Run Estates located in Harrison, General R.E. Lee, Lonely Boy, Richfield, Richfield No 1, Richfield No 2, and a portion of Fox No 1 of M.S. 1265, located in Section 16, T4N, R4E. Located off of Spring Run Road. Property is in the Brownsville fire district. Winsells have talked with the Forest Service about road access. Johnson reminded the board that the County Commission has discussed not approving new subdivisions that do not have a road district in place.

LAYOUT PLAN for Bret Winsell

Tract 2 of HES 618 located in NE1/4 Section 10, T4N, R4E. Located off of Sigdestad Road. Winsells are creating another lot in HES 618. Access is from both Spring Run Rd and Sigdestad Rd.

INFORMATIONAL MEETING-CUP # 440 for Redwater Tactical-Matt Beckdolt

Request to operate a commercial archery and gun range on property described as N1/2SE1/4NW1/4 EX LOTS H1, H2, H3 OF HWY R.O.W. & REMAINDER OF TRACT 1 OF SE1/4NW1/4; AND N1/2SW1/4NW1/4 BOTH LOCATED IN SECTION 10, T7N, R2E, BHM, LAWRENCE CO., SOUTH DAKOTA. County zones A-1, A-2 and PF allow conditional use permits for commercial gun and archery ranges. Amber Vogt, Planning and Zoning Administrator stated that this operation would be the first of its kind in the county and board may want to look at NRA guidelines for CUP considerations. Matt Beckdolt informed the board about the handgun safety classes that he offers and how often he offers them. The board elected to do an onsite visit July 6, 2017 at 9 am.

Public Hearing with Planning and Zoning Board set for July 6, 2017, 1:30 PM.

INFORMATIONAL MEETING-ORD 17-02 for Turner Johnson

Request to add Restricted Use Site to A-1 and PF zoning districts as a Conditional Use Permit option and add a definition of this use. These changes would affect any portion of property zoned as listed above. Turner Johnson and the Board had discussion of options for the definition for a restricted use site. The Board will look into the SD Dept of Environment and Natural Resources definition as a guide.

Public Hearing with Planning and Zoning Board set for July 6, 2017, 1:30 PM.

DISCUSSION ITEMS

Items from Planning & Zoning Board Members:

Craig Michelson resigned his seat on the Planning and Zoning Board after the May 2017 meeting. This will be his last meeting unless otherwise necessary.

Opportunity for Public Comment:

None.

The meeting adjourned at 2:19 PM

APPROVED: _____

Date: _____

Rick Tysdal, CHAIR

ATTEST: _____

Date: _____

_____, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF JULY 6, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, July 6, 2017, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Daryl Johnson, Scott Gullickson and Julie Stone

Absent: Travis Schenk and Tom Brady

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

Moved-Seconded (Gullickson-Stone) to elect as new secretary Kelly Fuller. Motion Carried.
Moved-Seconded (Johnson-Stone) to approve minutes of the June 1, 2017, meeting. Motion Carried.

Moved-Seconded (Stone-Gullickson) to approve the Agenda Item D and J are preliminary plats only. Motion Carried.

Declaration of Conflicts of Interest: None.

PRELIMINARY & FINAL PLAT for Stone House Enterprises LLC

Tract 6 & 7 of the Ciani Tracts, formerly the remainder of the NW 1/4 SW 1/4 and the S1/2S1/2S1/2NW1/4 of Section 32, T6N, R4E, located off of Crook City Road. The property is owned by Stone House Enterprises LLC; David & Teresa Ciani and is currently zoned PF-Park Forest and is operating as a hunting lodge. The property is being broken into 2 parcels, The property has a 66' access easement that was dedicated per plat # 2007-7198 which allows access to the NE end of the property. The subdivision of the property requires a fire plan that has not been submitted as of June 30, 2017. There is also a section line running on the west side of Tract 6, which will require a 59' setback from the West property line for any structure to be built. The surveyor Frank Dicesare stated that an easement will be made for access on that side of the property as needed.

Moved-Seconded (Stone-Johnson) motion to approve the Preliminary Plat with the condition that the fire plan be submitted. Motion Carried.

Moved-Seconded (Stone-Tysdal) motion to approve the Final Plat, with the condition that the fire plan be submitted and completed. Motion Carried.

FINAL PLAT for Kevin Peyton

Tract A of the Anna Fredrickson Homestead Addition, Formerly Lots B1A B2A of Lots B1 and B2 of the Anna Fredrickson Homestead Addition, all located in Sections 27 & 34, T3N, R4E. It is located off of Us Hwy 385. Mr. Peyton would like to combine both parcels back into one which will be called Tract A. There are no structures on the property. A fire plan is not needed in this case as he is combining lots not breaking them apart.

Moved-Seconded (Stone-Johnson) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Stone-Gullickson) motion to approve the Final Plat. Motion Carried.

PRELIMINARY for David Winter

Tracts A1 thru A6 of Majestic Heights, being a subdivision of part of Tract A of Majestic Estates, all located in parts of Sections 13, 23, 24, 25, T5N, R3E. It is located off of Hwy 85- Boulder Canyon and Mattson Lane. Zoning is HSC - Highway Service/-Commercial and PF-Park Forest. Mr. Winter own 329.62 acres in Tract A and is wanting to break the property down into smaller lots in order to be allowed to sell a couple to be developed and set up for future development of a camp for kids. A portion is in Deadwood City limits and a portion is in Lawrence County. The city is not ready to annex more of this land at this time. A fire plan has been started, the written portion is finished. There was a discussion about a 50' emergency egress that may or may not become a city road in the future but will be used as a one of three emergency access' out of the area. Amber Vogt, P&Z Director suggested making a note on the final plat in regard to this access. A road district is planned and going before the County Commission July 11, 2017.

Moved-Seconded (Stone-Gullickson) motion to approve the Preliminary Plat with the condition that the cul de sac be changed from a 50' to 70' radius. Motion Carried.

PRELIMINARY & FINAL PLAT for Joe & Mollie Palmer

Lot 4A of Two Bit Springs Sub, all located in Section 1, T4N, R3E. Located off of Two Bit Springs Rd/Boulder Canyon. The property is zoned PF-Park Forest and the owner is combining Lot 4 & Lot 6 by replatting the parcel into 15.34 acres. There is a Historic Mine Easement located on the property which was platted in 2006. This plat would not be required to have a fire plan as it is changing a lot line not creating an additional lot.

Moved-Seconded (Stone-Gullickson) motion to approve as an Exempt Plat from fire plan because it is a lot line adjustment. Motion Carried.

Moved-Seconded (Stone-Gullickson) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Stone-Gullickson) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Crystal Bartlowe/Kimberly Stafford

Lots A1 and 10A of Section 26 & 27, T3N, R4E. Located off of Hwy 385. The property is zoned PF-Park Forest and is currently Lot A and Govt Lot 10, they are changing the lot line between the lots to make it so the 2 houses sit on separate lots. This will bring a pre-existing condition into current compliance. A fire plan has been submitted for the property.

Moved-Seconded (Stone-Gullickson) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Stone-Gullickson) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Daniel & Dorothy O'Connor

Lot 1A in Section 13, T4N, R2E & Section 18, T4N, R3E. Located off of Whitetail Dr. Deer Mt.

The property is zoned SRD-Suburban Residential and the owners are requesting Lot 1 and 2 to be combined to create Lot 1A, which would be 2.283 acres. This request would not require a fire plan as it is decreasing density. There is a structure on the lot already.

Moved-Seconded (Johnson-Gullickson) motion to approve as an Exempt plat from fire plan because it is a lot line adjustment. Motion Carried.

Moved-Seconded (Stone-Gullickson) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Stone-Gullickson) motion to approve the Final Plat. Motion Carried.

FINAL PLAT for Two Bit LLC

Lots 12 & 13 of Golden Hills Sub., being a sub of Tract A, all located in Sections 25 & 36, T5N, R3E and Sections 30 & 31, T5N, R4E. Located off of Two Bit Road. The property is zoned PF-Park Forest; these lots match the preliminary plat. The subdivision consists of individual septic tanks with a community water system. The roads have already been approved and completed.

Moved-Seconded (Stone-Gullickson) motion to approve the Final Plat. Motion Carried.

FINAL PLAT for Maitland Partners LLC

Lot 4, Lot 5 Revised and Lot 8 of Harley Estates Sections 19 & 20, T5N, R3E. Located off of Maitland Rd. The property is zoned PF-Park Forest and this subdivision was approved in 2006 and has individual septic tanks with a community water system. Lot 4, Lot 5 Revised and Lot 8 substantially meet the preliminary plat, with a lot line change between Lot 5 and 4. There is no structures or floodplain on any of the proposed lots.

Moved-Seconded (Stone- Fuller) motion to approve the Final Plat. Motion Carried.

PRELIMINARY for James Newton

Lots HB and HC, Block 13 of the Pines at Benchmark sub, all located in Section 11, T3N, R4E, located near Nemo off of Ship Rock Road and Benchmark. Property is zoned PF-Park Forest In 2016 Mr. Newton broke off a Lot HA. He will keep the Shiprock and the original structure on the HB and would like to sell Lot HC. There is existing access off of Shiprock Road to HB and he would like to create a new private access across HB to get to HC.

Moved-Seconded (Stone-Fuller) motion to approve the Preliminary Plat with the condition of Fire Plan submittal. Motion Carried.

PRELIMINARY & FINAL PLAT for Mary Ann Eddy Trust

Tracts E1 & E2 a sub of Little Daisy Fraction M.S. 1881 and Anaconda No. 21 M.S. 1881, located in Sections 25 and 36, T4N, R3E, located off of Brownsville Road. The property is zoned PF-Park Forest and the landowner is requesting to redo the lot line between the Little Daisy Fraction and Anaconda No. 21 so that the Brownsville Road is the middle lot line instead of the M.S. Lode Lines. The barns and such that sit on the new Tract E2. The existing house will

remain on Tract E1. This will be an exempt plat as it is not increasing density and is a change in lot lines.

Moved-Seconded (Stone-Gullickson) motion to approve as an Exempt plat because it is a lot lines adjustment and is not increasing density. Motion Carried.

Moved-Seconded (Stone-Gullickson) motion to approve the Preliminary plat. Motion Carried.

Moved-Seconded (Stone- Gullickson) motion to approve the Final plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Aspens at Allikat Corner LLC

Lot 2A & 3A of Diamond Estates, all located in E 1/2 of Section 14 and the W1/2 of Section 13, T3N, R4E. Located near Nemo at back of Benchmark Subdivision. The property is zoned PF-Park Forest and was previously approved with a fire plan. The request is to move the lot line between Lot 2 and Lot 3 to create Lot 2A and Lot 3A.

Moved-Seconded (Stone-Johnson) motion to approve the Preliminary Plat with the condition that the foundation is shown on the plat. Motion Carried.

Moved-Seconded (Stone-Johnson) motion to approve the Final Plat. Motion Carried.

PUBLIC HEARING-CUP # 440 for Redwater Tactical-Matt Beckdolt

Request to operate a commercial archery and gun range on property described as N1/2SE1/4NW1/4 EX LOTS H1, H2, H3 OF HWY R.O.W. & REMAINDER OF TRACT 1 OF SE1/4NW1/4; AND N1/2SW1/4NW1/4 BOTH LOCATED IN SECTION 10, T7N, R2E, BHM, LAWRENCE CO., SOUTH DAKOTA. Located on Hwy 85 at the Redwater. There is currently a residence on this property. The range will be open 1 weekend a month for private handgun safety classes from April - October. Hours of operation will be Saturday from 10-6 & Sunday from 12-8. The dates each month will change. The range will be used by the Beckdolts personally for other guns, but the commercial part will be for the handgun portion. The property is currently zoned A-1 Agriculture and a Commercial Gun and Archery Range is an Allowed Conditional Use Permit in this zoning. The property is directly off of Hwy 85. He owns approximately 35 acres.

Proponents: None.

Opponents: Attny. Ken Barker of Barker-Wilson Law firm, on behalf of the Vetter family that operates under Oak Meadows LLP presented opposition to the CUP and mentioned SD laws pertaining to firearm discharge and Lawrence County Ordinance Ch 19 Sec 1.6.2 regarding noise. He also stated that other residents near the Beckdolt property have had an issue with the same. Tracy Vetter 10896 Rimrock Ln, Belle Fourche, SD stated opposition to the noise that he feels disrupts his cattle and that he has complained to the Sheriff's Department 2-3 times.

Lorraine Kissack 19439 Creekside Loop, expressed that a gun range does not allow for peaceful enjoyment of the area. Larry and Kathy Topo 19345 Valley View Ln, are both concerned about noise pollution. Mrs. Topo asked the board if they would want this in their backyards? Dwayne

Bush 19337 Valley View Ln, stated concern for property values. Jayna Kemp 19380 Old Belle Rd, shared that her dogs are afraid to go outside and she does not want her three-year-old child in the back yard when shooting is going on. She said that three times Sheriffs have stopped by and asked if they have complaints. She is concerned for the safety of the people using the Red Water Creek for recreation. Mark Holsti 19387 Yah Way declared his concern for livestock and personal safety as well. Matt Johnson 19224 Hwy 85 has a concern about the commercial part of the CUP and questioned whether it is about making money?

Proponents: Matt Beckdolt the applicant expressed his concern for the neighbors worries. He stated that he intended to supply a resource for gun safety to the community. He said he did not know about the disruption of cattle complaints. He did not know of a large amount of resistance to the CUP. Mr. Beckdolt chose to withdraw the request for CUP.

Opponents: None.

Moved- Seconded (Stone-Johnson) motion for all CUP fees to be refunded to applicant. Motion Carried.

INFORMATIONAL MEETING-ORD 17-02 for Turner Johnson

Request to add RESTRICTED USE SOLID WASTE DISPOSAL FACILITY to A-1 and PF zoning districts as a Conditional Use Permit option. These changes would affect any portion of property zoned as listed above. This is the second informational meeting for this ordinance. There was more discussion about definitions and how to refer to the SD DENR permitting guidelines.

Public Hearing with Planning and Zoning set for August 3, 2017, 1:30 PM

INFORMATIONAL MEETING-CUP # 441 for Kellie Wilson

Request to operate a commercial recreational facility on property described as Tract 2 of the SW 1/4 of Section 7, T6N, R3E. Located near Industrial Drive and N 27th St. Ms. Wilson plans to run a Crossfit facility on this property Tysdal recommended that she talk with the neighbors about her plans.

Public Hearing with Planning and Zoning set for August 3, 2017, 1:30 PM.

INFORMATIONAL MEETING-COZ # 318 for Spring Branch LLC

Request to change the zoning from A-1 to A-2 on property described as W1/2 NE1/4 of Section 33, T7N, R2E. Located off of Pheasant Lane/ Brookview Road. Ward would like to sell the property. All platting would go through the City of Spearfish.

Public Hearing with Planning and Zoning set for August 3, 2017, 1:30 PM.

DISCUSSION ITEMS

Items from Planning & Zoning Board Members:

None.

Opportunity for Public Comment:

None.

The meeting adjourned at 3:38 PM

APPROVED: _____ Date: _____

Rick Tysdal, CHAIR

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 3, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, August 3, 2017, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Randy Deibert, Tom Brady and Julie Stone

Absent: Travis Schenk and Scott Gullickson

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

Moved-Seconded (Brady-Stone) to approve minutes of the July 7, 2017, meeting. Motion Carried.

Moved-Seconded (Stone-Fuller) to approve the Agenda. Motion Carried.

Declaration of Conflicts of Interest: Brady, Item E

PRELIMINARY & FINAL PLAT for Daniel Martin

Lots 1 & 2 of Tract C of the Nemo Placer M.S. 1368, Sections 22 & 27, T3N, R5E. Located off of Nemo Road. The property is zoned partially SRD-Suburban Residential and partially PF-Park Forest. The property does have an existing residence located in the floodplain. Mr. Martin is requesting the 11.1 acres to be subdivided into Lots 1 (8.62 acres) and Lot 2 (2.06 acres). Both parcels meet density requirements. Access to this lot is a 66' access easement designated in BK 391 PG 410. A fire plan has been submitted.

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

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

FINAL PLAT for Maitland Partners LLC

Lot 82 of Paradise Acres III Sections 17, 18, 19 & 20, T5N, R3E. Located off of Maitland Road. The property is zoned PF-Park Forest and matches the original preliminary plat. There are no structures or floodplain on the proposed lot.

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

FINAL PLAT for 4 Bears in the Hills LLC

Lot 16R, 17, 18, 19, 20 & 21, Blk 4; and Lots 1A, 1B and 2R of Blk 17 all located in Section 14, T5N, R4E. Located off of Boulder Canyon Highway. The property is currently zoned SRD. This property is owned by 4 Bears in the Hills LLC. This area was a part of the land transfer done last year between Apple Springs and the Boulder Canyon Country Club as the original Upper Vacation Court used to dead end at the property line. Water lines are installed and active. Sewer lines are installed and would be pumped into the existing treatment plant as development occurs. This plat includes 6.28 acres of land and 7644.3 sq ft of extended public row. Cul-de-sac has not been built yet but the developer has a bond with the county.

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

LAYOUT PLAN for MDK LLC/Matt Kirk

Lots 1- 29, Blk 9 except Lots 14-16 of the Lost Camp Valley Subdivision located on Terry Peak. Matt Kirk is asking to have a road that he is building on his property to be used as a private easement access for pre-existing lots of record that he owns. The lots were platted in the 1960's and show 50 ft utility easement and R.O.W. as access to the back of the lots. Mr. Kirk would like to use his private road instead. Since the original plat The U.S Forest service has a piece of land the crosses with part of Kirk's property. John Kelley representative of the U.S. Forest Service stated that Matt needs to obtain a license to pass through that part of the property. Amber Vogt, Planning and Zoning director would like to see the new road connect up to Lost Camp Trail and stated that there can be no building permits issued on these lots until access is figured out. Matt Kirk gave details on the road being built and said that a cul-de-sac could be an option too. Mike Hale, President of the Terry Valley HOA shared that Matt could apply for admittance to the current road district. Scott Munroe, PO Box 1282 Spearfish, a close neighbor to Mr. Kirk has a similar situation with his lots. Vogt and Board recommended that the neighbors plan to discuss future plans for their adjoining properties. Deibert suggested a road profile be submitted for the County Commission meeting.

Moved-Seconded (Deibert- Stone) motion to move layout plan to the county commission without a recommendation. Motion Carried.

PUBLIC HEARING-ORD 17-02 for Turner Johnson

Request to add RESTRICTED USE SOLID WASTE DISPOSAL FACILITY to A-1 and PF zoning districts as a Conditional Use Permit option. These changes would affect any portion of property zoned as listed above.

Proponents: Turner Johnson reiterated that this type of facility would be a nice option for the county.

Opponents: None.

Proponents: None.

Opponents: None.

Board Discussion: Deibert asked why A-2 is not included in this amendment. Vogt said that in much of the county A-2 zoning is near residential zones, while A-1 and Park Forest PF are not.

Moved- Seconded (Brady-Stone) motion recommendation to the county commission. Motion Carried. **Public Hearing with County Commission set for August 22, 2017, 9:30 AM**

PUBLIC HEARING-COZ # 318 for Spring Branch LLC

Request to change the zoning from A-1 to A-2 on property described as W1/2 NE1/4 of Section

33, T7N, R2E. Located off of Pheasant Lane/ Brookview Road. Ward would like to sell the property. All platting would go through the City of Spearfish.

Proponents: None.

Opponents: None.

Proponents: None.

Opponents: None.

Board Discussion: There was a discussion about the piece being annexed into Spearfish at some point. Vogt found that the notices sent out by the applicant were not sent in the required manner and the public hearing would have to be rescheduled. **Public Hearing with Planning and Zoning set for September 7, 2017, 1:30 PM.**

DISCUSSION ITEMS

Items from Planning & Zoning Board Members:
None.

Opportunity for Public Comment:
None.

The meeting adjourned at 2:40 PM

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF SEPTEMBER 7, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, September 7, 2017, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Daryl Johnson, Julie Stone and Travis Schenk

Absent: Scott Gullickson and Tom Brady

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

Moved-Seconded (Schenk-Stone) to approve minutes of the August 3, 2017, meeting. Motion Carried.

Moved-Seconded (Johnson- Schenk) to approve the Agenda. Motion Carried.

Declaration of Conflicts of Interest: Stone: Item R and Tysdal: Item P.

LAYOUT PLAN - Thomas & Judy Frazier

Layout Plan for a lot break out of 3-5 acres on the West side of existing Nelson Tract B which is 19.75 acres. A fire plan is needed and there is access. Property is zoned PF- Park Forest District.

FINAL PLAT - Mountain View Ranches LLC

Lien Outlot 1 and Lien Outlot 2 located in the E 1/2 of the SE 1/4 and Lot A of the W 1/2 of the SE 1/4 lying East of Highway 85, Section 35, T6N, R3E. Located along Hwy 85. Property is currently owned by Mountain View Ranches Inc The property is zoned A-1 General Agriculture. They own approx. 700 +/- acres in this area, but this particular plat will only be affecting 80 +/- acres. There is an existing home which sits on this 80-acre parcel, but they would like to add an additional home which would make both homes sit on the same 40 acres. The landowner decided to plat each 40 acres plus a Lot A lying east of Hwy 85 to make both new parcels over 40 acres. Lien Outlot 1 will be 46.59 acres and be the location of the new structure and Lien Outlot 2 is 43.65 acres and will keep the existing structure on it. They have included a drain-field easement area and the egress/ingress easement across Lien Outlot 1 to Lien Outlot 2. This plat actually makes each lot continue to meet the requirements of the A-1 zoning District while getting rid of a noncompliant lot of 11.09 acres because they are platting it into the overall 80 acres to meet the 40-acre rule in the A-1 zoning district. A fire plan has been created for the parcel and is on file.

Moved-Seconded (Stone- Schenk) motion to approve the Final Plat with condition the fire plan be completed on Lot C. Motion Carried.

FINAL PLAT - BH Development LLC

Lot 2, Blk 1 of Wilderness Estates 2nd Addition, being all of Tract A of Wilderness Estates 2nd Addition, located in Tract 2 of Powder House Pass, Section 24, T4N, R2E and Sections 7, 8, 17, 18, 19, & 20 T4N, R3E. Located along Hwy 85. Property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. This property is owned by BH Development LLC and the development of Powder House Pass as well as the original Wilderness Estates. The proposed lots match the original master plan for some small lot sizes. Water & sewer lines are installed to this area already.

Moved-Seconded (Stone-Fuller) motion to approve the Final Plat. Motion Carried.

FINAL PLAT - William and Jane Hauck

Lot 7A Revised, Blk 13 of Tract A of lost Camp Valley Acreage, including portions of mineral survey nos. 1119, 1139, 1205, 1310, 1341, 2044, 2050 & 2066 all lying in Sections 2 & 11 of T4N, R2E, Formerly Lot 7A and Lot 6, Blk 13. Property is owned by Bill & Jane Hauck located off of Last Chance Ridge Trail near Terry Peak. It is currently zoned SRD-Suburban Residential and the purpose of this plat is to combine Lots 6 into 7A.

Moved-Seconded (Fuller-Stone) motion to approve the Final Plat. Motion Carried.

FINAL PLAT - BH Development LLC

Lot 1, Blk 2 of Wilderness Estates 2nd Addition, being all of Tract A of Wilderness Estates 2nd Addition, located in Tract 2 of Powder House Pass, Section 24, T4N, R2E and Sections 7, 8, 17, 18, 19, & 20 T4N, R3E. Located along Hwy 85. Property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. This property is owned by BH Development LLC and the development of Powder House Pass as well as the original Wilderness Estates. The proposed lots match the original master plan for some small lot sizes. Water & sewer lines are installed to a portion of the area, but all services will need to be extended and are covered under the new bond.

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

PRELIMINARY & FINAL PLAT - Charles Brown & Mountain View Ranches LLC

Tracts A1, B1A and 2, all located in Section 1, T5N, R3E. Located along Crook City Road/ Timber Ridge Lane. Property is currently zoned, PF-Park Forest. This plat is changing lot lines between neighboring landowners to make the property ownership match-up with the location of the existing road. There is a lot line change on Tract A and Tract B1 owned by Charles Brown and the combination of Tract 1; N ½ SW ¼; SE ¼ NW ¼ and SW ¼ NE ¼ owned by Mt. View Ranches LLC.

Moved- Seconded (Stone-Schenk) to approve as Exempt Plat. Motion Carried.

Moved-Seconded (Stone Schenk) motion to approve Preliminary Plat. Motion Carried.

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

FINAL PLAT - David Winter

Tract A1 of Majestic Heights and Lot 3 of the Subdivision of Woodbine Placer, all located in SW ¼ of Section 13, the SE ¼ and NE¼ of Section 23, the NE ¼, NW ¼, SW ¼ and SE ¼ of Section 24 and the NE ¼ and NW ¼ of Section 25, T5N, R3E. Located along Boulder Canyon Highway. The property is zoned, PF-Park Forest. A portion of the property on the North end also is zoned HSC-Highway Service Commercial. Mr. Winter owns 329.62 acres in Tract A and previously got approved a preliminary plat breaking it into smaller lots in order to be allowed to sell a couple to be developed and set up for future development of a camp for kids.

Tract A1 was originally approved at 26.75 acres. Mr. Winter and the neighboring landowner Mr. Mattson are doing a land swap and would like to increase the size of Tract A1 to 28.18 acres and

make it meet the existing access road (Mattson Lane) and then they would like to re-plat the existing Lot 2A-2 on the other side of the road to be 2.36 acres instead, now known as Lot 3. Amber Vogt, P&Z Administrator stated that this is a lot line exchange and does not include any structures, therefore a preliminary plat would not be needed. Although this final plat does not match the final because it is making Tract A larger by a small amount. Road profiles and fire plan have been submitted.

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

PRELIMINARY PLAT - David Winter

Preliminary Plat for Lots 1 -27 of Tract A6 and a portion of Tract A4 of Majestic Heights all located in SW 1/4 of Section 13, the SE 1/4 and NE 1/4 of Section 23, the NE1/4, NW 1/4, SW 1/4 and SE 1/4 of Section 24 and the NE 1/4 and NW 1/4 of Section 25, T5N, R3E. Located along Boulder Canyon Highway. Property is zoned PF- Park Forest. A portion of the property on the North end also is zoned HSC-Highway Service Commercial. Road profiles well as a fire plan have been submitted. In July 2016 a preliminary plat was approved for A1-A6 on the proposed area being platted now. At this time a final plat has never been approved for A4 or A6, which are included in this Preliminary plat to further subdivide these Tracts into Lots 1-27. The surveyor Frank Dicesare informed the Board that a revised plat is in the works. David Winter shared that he presented this plat for marketing purposes. Vogt did remind them that nothing can be built until there are final plats and roads need to be completed. Dicesare said that tree thinning is in process and that the city of Deadwood has approved the Preliminary plat as well.

He has submitted Moved-Seconded (Stone-Fuller) motion to approve the Preliminary Plat. Motion Carried.

FINAL PLAT - Karen Dilts

Lot 28 of Country Club Estates being a subdivision of Tract 2A of a portion of HES 42 and HES 39, all located in Section 36, T4N, R2E and Section 31, T4N, R3E. Located along Hannah Road. Property is zoned SRD-Suburban Residential and Lot 28 (1.36 ac). The Country Club Estates has a public water system and individual septic tanks and all roads are complete. The plat matches the original preliminary plat.

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

PUBLIC HEARING-COZ # 318 for Spring Branch LLC

Request to change the zoning from A-1 to A-2 on property described as W1/2 NE1/4 of Section 33, T7N, R2E. Located off of Pheasant Lane/ Brookview Road. Ward would like to sell the property. All platting would go through the City of Spearfish.

Proponents: None.

Opponents: None.

Proponents: None.

Opponents: None.

Moved- Seconded (Stone-Fuller) motion recommendation to the county commission. Motion Carried.

Public Hearing with County Commission set for September 26, 2017, 9:00 AM

PUBLIC HEARING-CUP # 441 for Kelie Wilson/Greg Wolff

Request to apply for a Conditional Use Permit for Commercial Recreation Facility on a portion of Tract 2 of the SW 1/4 of Section 7, T6N, R3E. Located along Lookout Mountain Road and N 27th Street West of The applicant is requesting a Commercial Recreation Facility located on the following described property A portion of Tract 2 of the SW ¼ of Section 7, T6N, R3E. This lot is in the process of being subdivided and the CUP will need to be updated with the new legal description upon that taking place. There are currently no structures on the property, but the applicants plan to build a home and a large shop building to house the facility which will offer Crossfit classes, personal training and other fitness classes. The property is currently zoned A-2 Residential Agriculture and a Commercial Recreation Facility is an Allowed Conditional Use in this zoning. No water supply or fire protection exists in the vicinity of 27th Street and Lookout Mountain Road. Building permitting is through the City of Spearfish. Per the recommendation of the city, building design needs to take water service issues into consideration.

Proponents: Willson the applicant addressed noise concerns and plans to have the building facing the airport so that any louder sounds would project in that direction. She also noted that traffic should be low due to the fact that class size is limited and there is time between classes for one group to leave before another comes in. Lighting was also discussed and she said that signage is limited and dim.

Opponents: None.

Proponents: None.

Opponents: None.

Board Discussion: Vogt reminded the board that the Ordinance to include this type of facility has been approved and the change of zoning for this parcel is approved as well. Fuller clarified that the County has law enforcement over this area. Wilson was asked about events on the property that you be more than the allowed size. She stated that once or twice a year they would have events. Vogt reiterated that the old business would close when the new one opens. Stone asked about lighting and it was decided to use the city of Spearfish's night time light illumination plan. Fuller had concerns about events larger than what is listed on the application. Vogt added that there should be a TUP for the events with over 20 people attending. Johnson reminded the applicant that CUP's can be canceled if there are issues with following the conditions.

Moved- Seconded (Fuller- Stone) motion approve the recommendation to the county commission with added conditions. Motion Carried.

Public Hearing with County Commission set for September 26, 2017, 9:45 AM.

RECOMMENDATION MEETING-VAR # 159 for Michael Moxley

Property described as Lot 4 of Swan Lane Subdivision of Lot A and the N 166' of Lot 9 of the SE 1/4 NE1/4 of Section 4, T6N, R2E. Located in Swan Subdivision on Swan Lane. Mr. Moxley requests to leave a shed that he already built on a permanent foundation. There was an older shed on the property and he tore it down and rebuilt a new one in the same location, but made the new one larger. He did not need a building permit as the structure is less than 200 sq ft, but it did not meet the rear setback of 10'. He is requesting an 8.6' variance to the 10' rear setback. This would leave a 1.4' rear setback. The property is .18 acres and zoned SRD-Suburban Residential District. All surrounding properties are also zoned SRD. If you review other lots in the area there are numerous structures that do not meet the 10' rear setback.

Moved- Seconded (Fuller-Stone) motion to recommendation to the Board of Adjustment. Motion Carried.

Public Hearing with County Commission set for September 26, 2017, 9:15 AM

RECOMMENDATION MEETING-VAR # 160 for Michael & Robin Moran

Property described as Lot 14 of Section 22, T4N, R2E. Located in Spearfish Canyon. Requesting to be allowed to tear down the existing garage which is approx. 78 years old and build a new garage in the same location, but going from a 20 x 18 garage to a 32 x 24 garage. The corner that is too close to the property line will be in the same location. He is requesting a 12'7" variance on the NW corner and a 20'4" variance on the NE corner to the 25' side setback. This would leave a 12'3" setback on the NW corner and a 4' 6" setback on the NE corner. Property described as Lot 14 of Section 22, T4N, R2E. Located in Spearfish Canyon. The property is .57 acres and zoned PF-Park Forest District. All surrounding properties are also zoned PF and HSC.

Moved- Seconded (Stone-Fuller) motion recommendation to the Board of Adjustment. Motion Carried.

Public Hearing with County Commission set for September 26, 2017, 9:30 AM

INFORMATIONAL MEETING-COZ # 319 for David Arnio

Request to change the zoning from A-1 to RR on property described as N900' of E 460' of NE 1/4 of Section 32, T7N, R2E. Located on Old Belle Rd. Mike Delahoyde, 3826 Ward Ave. was available representing the Arnios. Vogt recommended that they use two different zonings on the property because it will be replatted through the city of Spearfish. It was decided that they will request RR- rural residential and HSC- highway service commercial for the P&Z public hearing.

Public Hearing with Planning and Zoning set for October 5, 2017, 1:30 PM.

INFORMATIONAL MEETING-COZ # 320 for Jacobs Family Trust

Request to change the zoning from A-1 to A-2 on property described as Lot 5 of Sunset S/D, being a S/D of Lot 2 of Govt Lot 4, Govt Lot 3, Govt Lot 2 and Lot 1 of the SE 1/4 NW 1/4 and SW 1/4 NE1/4, all located in Section 1, T6N, R2E. Located in Robbers Roost area.

Public Hearing with Planning and Zoning set for October 5, 2017, 1:30 PM.

DISCUSSION ITEM - CUP 398-16 for Couer-Wharf

Request to Change to Condition #34 re: maintenance on Perkins Road. Coeur Wharf is requesting to modify their current condition #34 as approved on June 14, 2011, by the Lawrence County Commissioners. The request is for maintenance on Perkins Rd (Richmond Hill Rd) be discontinued due to the ending mining operations in that area. This item was discussed last year and it was tabled until September 2017, to allow time affected parties to set up a road district. Matt Zeitlow, Environmental Mine Manager asked to start the discussion again. Johnson asked how maintenance for the road came to be. Zeitlow informed the board that it was in the original CUP # 434. Tysdal shared that the original CUP also has the condition to reclaim the road to trail status and that is why the board strongly encouraged the residents to form a road district, which has not happened. Zeitlow stated that Wharf would support but not be a part of the road district because they have already begun reclaiming the area now. Ken Nelson, General Manager of Wharf Resources shared that Wharf had a deal with LAC Minerals to maintain the road but it is now longer necessary. Stone informed the board that there is Public Access on the Richmond Hill Road to and through the Goldcrest subdivision. So a road district is needed for the other properties to maintain access. Zeitlow stated that Richmond Hill/ Perkins Rd is not being used by Wharf any longer and that reclamation has begun. Johnson gave the opinion that the board was clear about the road district at the 2016 public hearing, it has not be formed and the residents will have to form it.

Moved-Seconded (Schenk- Johnson) to take the CUP off the table. Motion Carried. Stone: No Vote.

Public Hearing with Planning and Zoning set for October 5, 2017, 1:30 PM.

DISCUSSION ITEMS

Items from Planning & Zoning Board Members:

Schenk presented the information that the weed board is looking for a way to enforce weed control. Bruce Outka, Lawrence County Attny shared that the commission had a few ideas that may include ties to Planning and Zoning. Tysdal said that tying something to building permits or plats would only provide enforcement for one year. Vogt voice concerns with the maintenance of a weed plan. Mike Delahoyde a licensed sprayer shared his experience with an HOA in Spearfish and spraying. Stone asked if the County could spray and then put a lien on the property.

Opportunity for Public Comment: None.

The meeting adjourned at 3:28 PM

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF OCTOBER 5, 2017

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Acting Chairman-Vice President, Tom Brady on Thursday, October 5, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Tom Brady, Daryl Johnson, Scott Gullickson, Julie Stone and Travis Schenk.

Absent: Rick Tysdal.

Tom Brady was appointed acting Chairman for the meeting due to Rick Tysdal's absence.

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

Minutes amended for September 7, 2017, to change the language of Discussion Item: CUP 398-16 Wharf Resources to; there is public access on the Richmond Hill Rd. to and through the Goldcrest subdivision. Moved-Seconded (Gullickson-Stone) to approve minutes of the September 7, 2017, meeting, as amended. Motion Carried.

Agenda Changed to Item K to precede Item B.

Moved-Seconded (Gullickson-Schenk) to approve the Agenda as amended. Motion Carried.

Declaration of Conflicts of Interest: Stone and Gullickson Item K.

DISCUSSION ITEM

Dave Heck presented a plan to enforce weed control ordinance in the County. The plan is to add to Ord. Chapter 5, section 17 as preliminary, final and replats be dependant on a weed plan being in place. This would also be added to building permits requirements and prior to receiving a Certificate of Occupancy. He recommends a 3 to 5-year plan to be. Amber Vogt, Planning and Zoning Administrator has concerns about staff enforcement. Brady is concerned about permit delays. Commissioner Sleep was present and informed the board of the weed problem in the County. The Board will continue to discuss this Item throughout the winter and spring

PRELIMINARY & FINAL PLAT for Maitland Partners

Lot 27 & 28 of Paradise Acres; all located in the NW 1/4 NE 1/4 and the SE 1/4 of Section 18; S 1/2 of Section 7 and the W 1/2 of Section 17, T5N, R3E. Along Maitland Road. Property is currently zoned PF-Park Forest District. Platting to move a boundary line.

Moved-Seconded (Schenk-Stone) motion to approve Preliminary Plat. Motion Carried.

Moved-Seconded (Johnson-Gullickson) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Brian Sieveke & James Molstad

Lot C-1 & D-1 of Wood Estate Subdivision a subdivision of Lot 7 and the subdivision of Tract A of M.S. 1884, all located in Section 7, T3N, R3E formerly Lot C and Lot D of Wood Estate Subdivision. Located along Rochford Road. Motion Carried. Property is zoned PF-Park Forest, They are swapping lot lines between Lots C & D of Wood Estates, it is making the original Lot D smaller but still meeting density and the original lot C larger. There is no increase in the original density.

Moved- Seconded (Johnson-Stone) to approve as Exempt Plat due to no increase in density.

Moved-Seconded (Stone Schenk) motion to approve Preliminary Plat. Motion Carried.

Moved-Seconded (Stone-Fuller) motion to approve the Final Plat. Motion Carried.

FINAL PLAT for Two-Bit LLC

Lots 50 of Golden Hills Sub., being a sub of Tract A, all located in Sections 25 & 36, T5N, R3E and Sections 30 & 31, T5N, R4E. Property is zoned PF-Park Forest; these lots match the preliminary plat of Golden Hills Subdivision for Lot 50. The subdivision consists of individual septic tanks with a community water system. The roads have already been approved and completed.

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

FINAL PLAT for Two-Bit LLC

Lot 1 of Two Bit Ranch Estates; all located in Section 30, T5N, R4E. Property is currently zoned PF-Park Forest District. There is a build restriction on a portion of this property along with drainage area.

Moved-Seconded (Fuller-Stone) motion to approve the Final Plat. Motion Carried.

FINAL PLAT for Pillar Peak LLC

Lot 33 of The Estates at Pillar Peak; all located in Section 21, T5N, R4E. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF.

Moved-Seconded (Stone-Gullickson) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Paul & Julie Schipke Revocable Trust

Lot 1 and 2 of the Otto and Goodluck Lodes of M.S. 1322; all located in Section 36, T5N, R3E. Property is zoned PF-Park Forest, They are swapping lot lines between the Otto and Good Luck Lodes, they are moving the original lode line to run horizontally instead of vertical. There is no increase in the original density.

Moved- Seconded (Stone-Johnson) to approve as Exempt Plat because it is a lot line change. Motion Carried.

Moved-Seconded (Stone Schenk) motion to approve Preliminary Plat. Motion Carried.

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

PUBLIC HEARING-COZ # 319 for David Arnio

Request to change the zoning from A-1 to RR and C/LI on property described as S 465' of a por.of the N 950' of the E 460' of the N1/4 & N 485' of a por. of the N 950' of the E 460' of the N1/4 all located in Section 32, T7N, R2E. Located on Old Belle Road. A metes and bounds description has been created in order to set a boundary of the 2 zoning boundaries The property is adjacent to other A-1 General Agriculture District; Rural Residential and Suburban Residential Districts and the City limits of Spearfish. This property has had a Conditional Use Permit for a trucking business and storage and maintenance buildings since November 23, 1982, when it was approved by the City of Spearfish and the Lawrence County Commissioners. It is noted in the original CUP that if the permit was transferred it was to only be for the same use. This property is directly adjacent to the Ward Subdivision. The property does fall within the growth area of the City of Spearfish. The City of Spearfish submitted the following

comments in their review of the application: *The C/LI permits several land uses that could have potential impacts to the nearby residential properties to the east. Mitigation of these impacts is the responsibility of the property owner as described in Section 1.4 of the County C/LI zoning District but there must be a concerted effort to enforce these terms when the property owner fails to comply.*

Proponents: Mr. Arnio stated that the property will be used the same as it has been prior to the COZ request. Vogt shared that she has received calls with concerns about C/LI zoning opening the area up to more uses that are not allowed in Highway Service Commercial Districts.

Opponents: Amber Waseen, 3927 Gallatin, expressed concern about the CUP changing hands to any new owners of the lot and their use of the property. John Sorenson of Minnesota shared his experience with this type of change of zoning in his town.

Proponents: Mr. Arnio mentioned that there are no traffic problems at this time and that the buyer for the property plans to keep the CUP the same.

Opponents: None.

Discussion: Vogt informed the board that the CUP will transfer to the new owners but if changes to it by the new owner there would have to be a new development plan in place. Johnson stated that the CUP can be changed at any time. Brady stated that there is no history of the County arbitrarily taking away a CUP.

Moved- Seconded (Fuller-) motion to deny. Motion Died due to lack of second.

Moved- Seconded (Stone-Fuller) motion table request. Motion Carried.

Public Hearing continued with Planning and Zoning Board set for November 2, 2017, 1:30 PM.

PUBLIC HEARING-COZ # 320 for Jacobs Family Trust

Request to change the zoning from A-1 to A-2 on property described as Lot 5 of Sunset S/D, being a S/D of Lot 2 of Govt Lot 4, Govt Lot 3, Govt Lot 2 and Lot 1 of the SE 1/4 NW 1/4 and SW 1/4 NE 1/4, all located in Section 1, T6N, R2E. Located in Robbers Roost area. The City of Spearfish submitted the following comments in their review of the application: *Sunset Ranch Jacobs Change of zoning- no concerns.* Vogt explained the options for the Jacobs' for building 2 structures, each with a residence on the parcel that has several easements and topographic limitations.

Proponents: Scott Jacobs explained that one of the structures will be a garage with studio. Sharon Jacobs shared that the topography is limited in the building area and there is water drainage across the property. Paul Larson, the builder for the Jacobs' talked about the percolation tests and how that further limits building options.

Opponents: Bret Green, 3600 Sunset Rd, a neighbor of the Jacobs' told the board that some of the owners in the area prefer not to have a COZ.

Proponents: None.

Opponents: None.

Discussion: Brady suggested a Variance instead of the COZ because the situation still falls into the variance considerations in Section 1.5 of Chapter 16 Lawrence County

Moved- Seconded (Fuller-Gullickson) motion recommendation to change request to a Variance to the Guesthouse Ordinance# 16-03 and to be granted by reason of 1) Topography 2) Easements 3) Reasonable Setback 4) Drainage on land 5) Soil conditions 6) Ord.Chapter 16 Section 1.5 #3 7) Ord. Chapter 16 Section 1.5 #8. Motion Carried.

Moved-Seconded (Schenk-Stone) motion to table COZ request pending the outcome of Variance at County Commission level. Motion Carried.

Public Hearing with Board of Adjustment set for October 24, 2017, 9:15 AM.

PUBLIC HEARING for CUP # 398-16 Wharf Resources

Change to Condition #34 re: maintenance on Perkins Road.Request to Change to Condition #34 re: maintenance on Perkins Road. Coeur Wharf is requesting to modify their current condition #34 as approved on June 14, 2011, by the Lawrence County Commissioners.The request is for maintenance on Perkins Rd (Richmond Hill Rd) be discontinued due to the ending mining operations in that area. This item was discussed last year and it was tabled until September 2017, to allow time for affected parties to set up a road district. Vogt gave an update on September 7, 2017, discussion item to the public and progress with a road district thus far.

Proponents: Matt Zeitlow, Environmental Mine Manager, explained the verbiage in the CUP in regard to change of use of the road and that there is a substantial change in use of the road now. Bruce Outka, Lawrence County Attorney ask Mr. Zeitlow whether the road would be obliterated per the reclamation plan. Zietlow said yes the current state permit requires it.

Opponents: Kathy Stanley, a resident of Ida Gray Rd questioned whether or not the old road that was there from Homestake would be an access still. She felt that without a road the area would become a fire trap. Zeitlow stated that the old road is no longer there because the new one was built. Brady reminded that any road used there would not become a County road. Greg Boyd, 20669 Roman Rd, shared a concern about the surface of the road and feels that the road should be in better shape before it is turned over to a road district. He is also concerned about the cost to maintain the road. Marty Comes, 20975 Richmond Hill Rd, would like to meet with Wharf about future reclamation. He also feels that a road district is premature. Vogt informed him that the road district conversation needs to start now rather than in the future.

Proponents: Ken Nelson, General Manager of Wharf Resources, shared that there are landowners that call complaints to the government entities because Wharf is not maintaining the road to County standards. He stated that with more people moving out there the road is getting more us. Maintenance to county standards in not what Wharf is responsible for. The road was built to provide access for LAC minerals that are no longer needing that access.

Opponents: Randy Mateo, 20688 Roman Hill Rd, expressed concern about ATV use on the road and liability for accidents. Brady informed him that a road district carries insurance for accidents. Rich Nelson, 20959 Richmond Hill Rd, asked about any state funds that may be available for road districts. Beth Conroy, 20911 Richmond Hill Rd, shared that she had contact with the attorney that is representing some of the landowners but did not get very far with that and sees that a road district needs to be formed. Fuller explained how the boundary of a road district works. Outka stated the statute used for road districts: 31-12A. Allan Haid, 20976 Richmond Hill Rd, expressed concern about the cost to the

landowners and safety issues with more traffic on the road.

Discussion: Brady stated that Wharf is entitled to relief from CUP if they are not using this road for CUP purposes. If landowners do not do something to deal with this issue the road will be reclaimed and will go away. Vogt and Outka advised the landowners to get an attorney to help

Moved- Seconded (Schenk-Fuller) motion to approve the request for change of condition #34 of CUP 398-16 on October 1, 2018. Motion Carried.

Public Hearing with County Commission set for November 28th, 2017.

Items from Planning & Zoning Board Members:

Johnson discussed the CUP #435 and complaints of dust and truck traffic disrupting the neighbors. Commission is working on a haul road maintenance agreement and bridge replacement to help the neighbors. He did talk about the fact that the road was built for trucks hauling logs and there has not been a haul road agreement for those trucks.

Opportunity for Public Comment:

None.

The meeting adjourned at 3:49 PM

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY