

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

April 2, 2008

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson Marie Farrier on Wednesday April 2, 2008 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Marie Farrier, Sheree Green, Mel Allen, Larry Ryan, & Jim Shedd. Mr. Jason Campbell, City Attorney was also present.

APPROVAL OF MINUTES

Mr. Ryan moved to approve the minutes of the February 20, 2008 Joint Meeting, as sent. Mr. Allen seconded and the motion carried.

All in favor - 5
Opposed - 0

NEW BUSINESS:

FINAL PLAT: Tom Blair/ABWC2 - Plat of Tract 1, being a portion of Deadwood Gulch Campground Tract and a portion of vacated McDonald Street, Located in the E 1/2 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Ms. Green stated that the heading on the Plat was incorrect and should state that the land was a portion of Deadwood Gulch Addition II" not "formerly a portion of." Ms. Williams noted the correction and stated she would contact Arleth and Associates.

Ms. Green moved to table the Final Plat until corrections were made to the plat. Mr. Shedd seconded and the motion carried.

All in favor - 5
Opposed - 0

FINDINGS OF FACT - Russ & Donna Smith - 1 Meverden Street - Variance from front yard setbacks from property line.

Ms. Williams stated this was the last step in closing the file and the findings express the action taken by the commissions.

Mr. Shedd moved to approve the Findings of Fact for Russ & Donna Smith - 1 Meverden Street - Variance from front yard setbacks from property line. Mr. Allen seconded and the motion carried.

All in favor - 5
Opposed - 0

Discussion on letter from Forest Service regarding Deadwood Stage Run - Request to allow Phase I of plat to come before the Planning and Zoning Commission prior to actual sign off from Forest Service.

Ms. Williams referred to the following summary of the meeting with the U.S. Forest Service:

RE: LETTER FROM U.S. FOREST SERVICE

RE: MEETING ON: April 2, 2008

PRESENT: Rhonda O' Byrne - Spearfish FS Office; Dennis Jaeger, Deputy Forest Supervisor, Custer, SD; Jim Raysor, Deadwood Public Works Director/Planner; Clay and Susan Johnson, Partners in Stage Run; Bill Pearson, Partner in Stage Run, Scott Odenbach, Attorney representing Stage Run Subdivision; Terry Weisenberg, Lawrence County and Bernie Williams, Deadwood Zoning.

Discussions were held in regards to why the process was taking so long and whether it would be completed in the near future. The issues were turning maintenance over to the city of Deadwood for Mt. Roosevelt Road and installation of the water line easement. Also, the 300' required to enter the subdivision had never been taken through the entire process so a lot more review was required for this area.

The remaining time line was presented by Forest Service representatives as follows:

- March 19, 2008 - Letter sent to South Dakota Historic Preservation Office (SHPO) in Pierre for comment and review - This office gets 30 days in which to comment. End of time limit - April 19, 2008 - Since issuing a permit is a federal undertaking, the SHPO has review rights.
- March 19, 2008 - Letter sent to Indian Tribes - The tribes get 30 days in which to respond with information and concerns. End of time limit - April 19, 2008
- April 26, 2008 - At this point, if there are no comments or concerns, the Forest Service reviews - A Memo is put together by them regarding the application and issues.
- May 4, 2008 - The construction permit is issued to the City of Deadwood for Mt. Roosevelt Road which includes the installation of the buried waterline.

The question is whether or not a plat for Phase I of Stage Run could be presented on April 16, 2008, to the Planning and Zoning Commission for approval. It could go to the City Commission on April 28th. A stipulation could be placed in the motion that the plat would not be released until the construction permit was issued.

Since the comment time limit ends April 19th - there should be no problem with getting the construction permit on May 4th. The Forest Service Representatives indicated that should any comments or concerns come in during the 30 day review process, jR would be notified immediately; therefore, the plat could be removed from the agenda if such was required. The Spearfish Office issues the Construction Permit so there should be no waiting period.

Ms. Green questioned what would happen if comments or concerns were received from SHPO or Indian Tribe(s). Ms. Williams stated the process would be placed on hold until they resolved the issue(s). Ms. Williams commented that the 300' right-of-way requirement held up the process and actually forced them to re-start the process.

Ms. Williams stated the owners of Stage Run were requesting the Planning and Zoning Commission to allow them to submit their plats for Stage Run Subdivision at the April 16, 2008 Planning & Zoning Meeting, and if approved, forwarded on April 28, 2008 to the City Commission. She noted this process would allow the developers to start construction as soon as they received approval from the U.S. Forest Service. After a short discussion, the Planning and Zoning Commission agreed that the plat could be forwarded to the City Commission on April 21, 2008.

Ms. Williams stated Mr. Clayton Johnson and Mr. Bill Pearson, two of the co-owners were in the audience to answer any questions.

Ms. Williams reiterated that Jim Raysor, Deadwood Public Works Director, would be immediately informed of any comments received from SHPO or Indian Tribes by April 19, 2008, since that was the ending date for any comments.

Ms. Green questioned if two (2) plats would be submitted at the April 16th meeting. She noted that usually a boundary and preliminary plat were submitted first and then final plats were drawn up for each lot as they were sold. Mr. Pearson stated he believed there would be two plats and he would be in contact with Wyss Associates to confirm the results of this meeting for moving forward.

Ms. Farrier recommended the applicants review the legal description of the plats with Ms. Green, at the Lawrence County Register of Deeds Office, prior to submittal. She noted that would help prevent any problems with the plat at the April 16th Planning and Zoning Meeting.

The Planning & Zoning Commission determined the plats move forward if no objections were voiced to the U.S. Forest Service. Ms. Farrier questioned if a motion was required for this issue. Mr. Campbell, City Attorney, stated a motion was not needed; the item would be placed on the agenda for April 16, 2008.

Set up meeting date with Wayne Lund of Lund and Associates to discuss height definition.

Ms. Williams stated Wayne Lund of Lund and Associates had volunteered to review the height definitions with the Planning & Zoning Commission. The Commission set the meeting for 4:00 p.m. on Tuesday April 8, 2008. Ms. Williams added that Mr. Larry Crane had been open to adding comments after a precise definition was established.

ADJOURNMENT:

Mr. Ryan moved to adjourn the Regular Meeting of the Planning and Zoning Commission. Mr. Allen seconded and the motion carried.

All in favor - 5
Opposed - 0

There being no further business, Planning & Zoning Commission adjourned at 5:30 p.m.

ATTEST:

Ms. Marie Farrier
Chairman (Acting)
Planning and Zoning

Ms. Sheree Green
Secretary (Acting)
Planning and Zoning