



Spearfish Planning Commission Agenda

July 5, 2023 at 3:00 p.m.

**Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish, SD
And Zoom Online Meeting**

Join Zoom Meeting

<https://us02web.zoom.us/j/83971284645>

Meeting ID: 839 7128 4645

Or Dial in:

+1 669 444 9171 and enter Meeting ID

A. Call To Order

B. Roll Call

C. Approve the Minutes from June 20, 2023

D. Declaration of Conflicts of Interest

E. Items for Action

1. **Request:** Approve a Sketch Plat for Lot 3 of Block 1 of Thomson Addition
Location: Southwest of Intersection of Hill Street and Harvard Street
Applicant: Stencil Group, LLC
Action: Approve Sketch Plat with Stipulations

F. Items for Discussion

1. **Planning Studies - Project Updates**

G. City Council Update

H. Public Comment - Public comments are welcome at this time, however, no action will be taken.

I. Adjournment



Spearfish Planning Commission
Regular Session Minutes
June 20, 2023 at 3:00 p.m.

The Spearfish Planning Commission met in regular session on Tuesday, June 20, 2023 at 3:00 p.m. in the council chamber of city hall and via Zoom video conference. Vice Chair Byrum called the meeting to order at 3:00 p.m. Roll call was taken with the following members present: Meghan Byrum, Bob Meyer, Toby Bordewyk, Rick Tysdal, and Larry Vavruska. Also present: Planning Director Marlo Kapsa, City Attorney Ashley McDonald, and City Administrator Steve McFarland.

APPROVAL OF MINUTES:

Vavruska moved, Tysdal seconded and all voted to approve the minutes of the June 6, 2023 Planning Commission meeting with an amendment being made to reflect the correct motion made on agenda item two of the June 6 meeting agenda.

DECLARATIONS OF CONFLICTS OF INTEREST:

Byrum called for any potential conflicts of interest to be identified. No conflicts were expressed.

- Request:** Approve a Final Plat for Lots 1-3 of X Heart Subdivision E1-D in Section 30, T6N, R3E
Location: West of Intersection of Westview Drive and Old Belle Road
Applicant: Mark Backens
Action: Approve Final Plat with Stipulations

Kapsa presented the final plat and staff report noting that no changes were made since Sketch Plat approval aside from inclusion of the required dedicated right-of-way. **Tysdal moved, Vavruska seconded and all voted to recommend approval of the Final Plat to City Council with the stipulations noted in the staff report.**

- Request:** Approve a Sketch Plat for combination of Lots 8 & 9 of The Meadows of Higgins Gulch Subdivision
Location: Southwest of the intersection of Hillsvie Rd and Higgins Gulch Road
Applicant: Jared Lukens Black
Action: Approve the Sketch Plat with Stipulations

Kapsa presented the sketch plat and staff report noting that staff would need confirmation from the Lawrence County Planning and Zoning Department that the existing secondary home onsite meets minimum guest house requirements per Lawrence County code or the secondary residence must be removed prior to submittal of the Final Plat document. Byrum asked what the status of the County's determination was and Kapsa noted that staff did not yet have that determination it will just need to be verified prior to submittal of the final plat application. Tysdal noted that guesthomes do require a conditional use permit. **Vavruska moved, Bordewyk seconded and all voted to approve the Sketch Plat with the stipulations noted in the staff report.**

3. Items for Discussion:

Planning Studies – Project Updates: Kapsa stated that biweekly meetings had been scheduled for the Comprehensive Plan update and that the Steering Committee and Stakeholders groups were being put together and that all data collection for the existing conditions analysis is currently being compiled. Byrum inquired whether commissioners aside from the chair would be able to participate in the Steering Committee and overall Comprehensive Planning process. Kapsa noted that she would verify with the consultant if there would be room in the groups for additional commissioners to participate.

4. City Council Update – Kapsa noted that two encroachment agreements were on the Council agenda and that the Council would be reviewing a request to approve a Memorandum of Understanding for the proposed Hill Street Apartment project.

5. Public Comment – No comments were provided by the public, however, Commission Meyer raised a question regarding review of septic systems in the platting process and noted concerns regarding the minimum requirements of septic systems established by the state Department of Agriculture and Natural Resources and whether there were additional steps and regulations that the City could implement that go beyond the State’s minimum standards. Kapsa noted that the only thing being reviewed for septic systems in the platting process is whether the lot meets minimum area requirements for new systems and setback requirements for existing system components. Meyer asked when the appropriateness of a site and expected output from the proposed use are considered. Kapsa noted that unless there are additional requirements set forth within City or County ordinances the state minimums are what must be met and that all systems approved by the City must be designed by an engineer. Meyer noted his concerns regarding differences in hydrology and geology throughout the area that may create risk for contamination. Kapsa noted that additional input regarding additional regulation on septic systems may need to be with the State or County since septic systems are uncommon within City limits and that overall, the City is working to limit their use and require connection to City sewer services. Meyer noted he was not requesting additional regulation but that a process is needed to assess appropriateness of a site for septic. Tysdal noted that the County also requires that septic systems be designed by an engineer and noted that he has concerns regarding City staff’s availability to implement a process as discussed by Commissioner Meyer. Kapsa noted that the state’s standards require a minimum percolation rate or an alternate engineered system must be installed. Kapsa then requested that if this is a discussion that the Planning Commission feels needs further attention that it be placed as an agenda item at a later meeting.

8. Adjournment - Byrum adjourned the meeting at approximately 3:28 p.m.



Spearfish Planning Commission Staff Report
Meeting Location: 625 Fifth Street, Spearfish SD, Council Chamber of City Hall
and by Zoom Online Meeting

Meeting Date and Time: July 5, 2023 at 3:00 p.m.

Applicant: Stencil Group, LLC

Request: Approve a Sketch Plat for Lot 3 of Block 1 of Thomson Addition to the City of Spearfish

Action: Approve with Stipulations

Location: Southwest of Intersection of Hill Street and Harvard Street;
Within 3-Mile Extraterritorial Jurisdiction Area



Proposal Summary: The subject property is currently an unplatted 75.78-acre parcel. The proposed plat would create a 10-acre lot to be known as Lot 3 of Block 1 of Thomson Addition leaving a 65 acre unplatted remainder parcel.

General Comments:

The proposed sketch plat is a minor plat within the 3-Mile Extraterritorial Jurisdiction area with Lawrence County. The parcel is currently undeveloped. Upon approval of the Final Plat, proposed Lot 3 would be annexed into Spearfish City Limits and rezoned to R3 District. The developer has indicated that tax increment financing would be requested to aid in infrastructure expansion to serve the proposed development. Staff would recommend approval of the sketch plat with the stipulations noted at the end of the report.

Staff Review:

Zoning: The property is currently located within Lawrence County and zoned Park Forest District. The proposed 10-acre lot size meets minimum density requirements for this zone. Upon approval of the Final Plat, Lot 3 would be annexed into Spearfish City Limits and rezoned to R3 District. The proposed lot size would meet all minimum zoning requirements under this proposed new zoning designation.

Utilities: Any development to occur on proposed Lot 10 would be required to utilize City sewer and water services. There is an existing 15-foot wide utility easement present on the property. A 40-foot-wide drainage and utility easement is proposed as part of this plat to convey site drainage to the detention pond located on existing Lot 2 which will be owned and maintained by the developer.

Access: Access to the property is provided via Hill Street which is classified as a Collector Street on the City's Major Street Plan. The required additional 33-foot wide right-of-way dedication for Hill Street is being shown on the plat document. That portion of Hill Street adjacent to proposed Lot 10 must be improved to minimum City design standards upon annexation and rezoning of the property.

An additional north/south roadway is shown on the applicant's submitted site plan. Prior to submittal of a Final Plat application, the plat document must be revised to show the dedication of a 66-foot wide right-of-way for the proposed north/south roadway. The revised plat document must also include a road name for the new street to be reviewed and approved by Lawrence County E911 staff. The proposed road must be constructed to minimum City design standards upon annexation and rezoning of the property. Maintenance of the adjacent portion of Hill Street and the new roadway would be the responsibility of the developer during construction. Once improved to City standards, the infrastructure would be dedicated to the City for ownership and maintenance.

Platting Process: Following approval of the sketch plat, the applicant may submit a Final Plat application for review and approval by the Planning Commission and City Council. Once the Final Plat has been approved, the applicant's request for annexation and rezoning may be considered along with the request for Tax Increment Financing.

Summary:

The proposed sketch plat generally complies with all applicable Zoning and Subdivision Regulations. As such, staff would recommend approval of the proposed sketch plat with the following stipulations:

1. Upon Final Plat submittal, the plat document shall dedicate the required 66 feet of public right-of-way along the western edge of the proposed Lot 3. This right-of-way shall be platted out of the proposed lot.
2. Upon Final Plat submittal, the plat document shall include a note disclosing that a gravel pit was once located on a portion of Lot 3.

STAFF CONTACT: Marlo Kapsa – Planning Director, 605-717-1122;
marlo.kapsa@cityofspearfish.com

ATTACHMENTS:

Page 3 – Aerial Map
Page 4 – Sketch Plat

Aerial Map



Sketch Plat

**PLAT OF LOT 3
OF BLOCK 1 OF THOMSON ADDITION TO THE CITY OF SPEARFISH**

FORMERLY A PORTION OF AN UNPLATTED PARCEL,
LOCATED IN THE NE CORNER OF LAND IN THE NE1/4 NE1/4 OF SECTION 16, T6N, R2E, B.H.M.
LAWRENCE COUNTY, SOUTH DAKOTA

NOTES

- The basis of bearing for this plat is XXX.
- All major drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as it deems expedient to facilitate drainage from any source.
- A 5' Public Utility Easement is hereby dedicated along the interior side of all lot lines on this plat.
- Total right-of-way dedicated by this plat: XXX acres.
- Building Setbacks are per City Zoning Ordinance.
- Pursuant to SDCCL II-3-8.1 and II-3-2, The Developer of the property described within this Plat shall be responsible for protecting any waters of the State, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protection conform to and follow all regulations of the State of South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF OWNERSHIP
State of South Dakota
County of Lawrence

We _____ do hereby certify that I/we are the owner of the land as shown and described hereon, that the plat was done at the request and direction of the owner for the purpose hereon and that development of this land will conform to all existing applicable zoning, subdivision, erosion and sediment control regulations.

OWNER: _____
ADDRESS: _____

ACKNOWLEDGMENT OF OWNERSHIP
State of South Dakota
County of Lawrence

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared _____, known to me to be the person(s) described in and who executed the foregoing certificate.

Notary Public: _____
My Commission Expires: _____

SURVEYOR'S CERTIFICATE
State of South Dakota
County of Lawrence: S.S.

I, Keith S. Peterson, a Registered Land Surveyor in the State of South Dakota, on the basis of my knowledge, information and belief, certify to the Owner(s) that at the request of said Owner(s) the survey represented by this plat was made under my supervision, on the ground to the normal standard of care of Professional Land Surveyors practicing in the State of South Dakota. This survey does not constitute a title search to determine ownership of easements of record as performed by myself or by ALDS.

Keith S. Peterson - Registered Land Surveyor No. 4725 Date _____

OFFICE OF ADMINISTRATIVE OFFICIAL
State of South Dakota
County of Lawrence
City of Spearfish

This plat is approved by the Administrative Official on this _____ day of _____, 20____, in accordance with the administrative approval authority granted in City of Spearfish Resolution 2016-23.

Administrative Official: _____ Finance Officer: _____

APPROVAL OF ACCESS BY STREET AUTHORITY
State of South Dakota
County of Lawrence
City of Spearfish

The location of the proposed access to the abutting County or State Highway, or City Street as shown hereon, is hereby approved. Any changes in the location of the proposed access shall require additional approval.

Street Authority: _____ Date: _____

CERTIFICATE OF COUNTY TREASURER
State of South Dakota
County of Lawrence

I, Dabara Tiedle, Lawrence County Treasurer, do hereby certify that the _____ taxes which are due upon the lands platted hereon as shown by the records of my office, have been fully paid.

County Treasurer: _____ Date: _____

OFFICE OF COUNTY DIRECTOR OF EQUALIZATION
State of South Dakota
County of Lawrence

I, Timothy J. Hodson, Lawrence County Director of Equalization, hereby certify that I have received a copy of this plat.

County Director of Equalization: _____ Date: _____

REGISTER OF DEEDS
State of South Dakota
County of Lawrence

Files for record this _____ day of _____, 20____ at _____ o'clock _____ m., recorded as Document # _____

Register of Deeds: _____ Fee: _____

Prepared By: 610 East Boulevard
Rapid City, SD 57701
Phone: (605) 341-7800
www.aes2.com
DATE: MARCH, 2023