



**Spearfish Planning Commission Agenda**  
**January 17, 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

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**A. Call To Order**

**B. Roll Call**

**C. Approve the Minutes from December 20, 2022**

**D. Declaration of Conflicts of Interest**

**E. Items for Action**

1. **Request:** Approve an amendment to the Revised Ordinances of the City of Spearfish, Chapter 15A Subdivisions, Article II. Procedure, Section 15A-22. Administrative Approval of Plats, pertaining to noticing and public hearing requirements  
**Location:** Citywide  
**Applicant:** City of Spearfish  
**Action:** Set the public hearing for February 7, 2023

**F. Items for Discussion**

1. **Comprehensive Plan Update**
2. **Corridor Studies - Project Updates**
3. **2023 Planning Commission Chair and Vice Chair Elections**
4. **Additional Ordinance Amendments for 2023**

**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  
December 20, 2022 at 3:00 p.m.

The Spearfish Planning Commission met in regular session on Tuesday, December 20, 2022 at 3:00 p.m. in the council chamber of city hall and via Zoom video conference. Commissioner Kruskamp served as chair in absence of Chair Byrum. Kruskamp called the meeting to order at 3:00 p.m. Roll call was taken with the following members present: Bob Meyer, Larry Vavruska, Greg Kruskamp, Rick Tysdal, and Barbara Zwetzig. Absent: Toby Bordewyk and Meghan Byrum. Also present: Mayor John Senden, Planning Director Marlo Kapsa, City Attorney Ashley McDonald, and City Administrator Steve McFarland.

**APPROVAL OF MINUTES:**

**Tysdal moved, Vavruska seconded and all voted to approve the minutes of the November 1, 2022 Planning Commission meeting.**

**DECLARATIONS OF CONFLICTS OF INTEREST:**

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

1. **Request:** Review 2022 Planning Commission accomplishments and discuss upcoming projects for 2023.  
**Location:** City Council chambers, 625 5th Street, Spearfish SD  
**Applicant:** N/A  
**Action:** N/A  
Kapsa presented a review of items approved by the Planning Commission during 2022 and discussed upcoming projects for the new year.
  
2. **City Council Update** – Kapsa noted acceptance of infrastructure for Miller Ranch Phase 1A and acceptance of the recreation path located in Della Vecchia Subdivision. She also noted that City council voted to allow the citizen group to improve the Rocket Ship Park playground feature to applicable standards.
  
3. **Public Comment** – No comments were provided.
  
4. **Adjournment** - Kruskamp adjourned the meeting at 3:25 PM.



**Spearfish Planning Commission Staff Report**  
**Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish SD 57783**  
**and by Zoom Teleconference, see below for instructions to join.**

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- Meeting Date and Time:** January 17, 2022 at 3:00 p.m.
- Applicant:** City of Spearfish
- Request:** Approve an amendment to the Revised Ordinances of the City of Spearfish, Chapter 15A Subdivisions, Article II. Procedure, Section 15A-22. Administrative Approval of Plats, pertaining to noticing and public hearing requirements
- Action:** Set a public hearing for February 7, 2023
- Location:** Citywide
- Proposal Summary:** The proposed ordinance amendment clarifies and streamlines the process for administrative approval of plats.

**Background and History:**

In October of 2018, the City approved Resolution 2018-23, authorizing administrative officials including the City Planner, City Engineer, and Floodplain Administrator to approve eligible final plats in lieu of the governing body. Administrative approval of plats streamlines the platting process of major and minor subdivision in cases where the proposed plat is compliant with all subdivision and zoning regulations of the municipality.

The existing language for noticing and public hearing requirements specific to administrative plat approval requires clarification to ensure the administrative plat approval process is as streamlined as possible for staff, property owners, and their consultants. See the attached for proposed changes in ~~strike through~~. Removal of this portion of code makes clear that there are no noticing or public hearing requirements for the approval of final plats for minor and major subdivisions where all minimum zoning and subdivision regulations are met.

**STAFF RECOMMENDATION:** Set public hearing for February 7, 2023

**ATTACHMENTS:**

Page 3 – Ordinance form of subdivision code amendment

**STAFF CONTACT:** Marlo Kapsa – Planning Director, 605-717-1122;  
[marlo.kapsa@cityofspearfish.com](mailto:marlo.kapsa@cityofspearfish.com)

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Dial in: 1 669 900 9128 & enter Meeting ID: 839 7128 4645

**ORDINANCE NO. [X]**

**AN ORDINANCE AMENDING REGULATIONS FOR THE  
ADMINISTRATIVE APPROVAL OF PLATS**

**BE IT ORDAINED** by the Common Council of the City of Spearfish that Chapter 15A Subdivisions, Article II. Procedure, Section 15A-22. Administrative Approval of Plats regulations of the Revised Ordinances of the City of Spearfish is hereby amended—with ~~striketrough~~ indicating text to be deleted and the remainder of the Article left unaffected—as follows:

Section 15A-22. Administrative approval of plats.

Pursuant to the authority granted in SDCL 11-3-6, the administrative official of the City of Spearfish may approve final plats in lieu of approval by the governing body subject to the following regulations:

(1) Minor subdivisions (three (3) lots or less) may be approved by the administrative official. Major subdivisions (four (4) lots and more) may be approved by the administrative official under the following circumstances.

a. A preliminary plat of the subdivision has been approved by the common council and the final plat is in conformance with the same;

b. A planned unit development has been approved by the common council and the final plat is in conformance with the same;

c. (i) lot line revisions or (ii) subdivision of existing lots result in a major subdivision, so long as the subdivision conforms to the density requirements of the applicable zoning district.

~~—(2) Adjoining property owners shall be notified five (5) days in advance of the hearing by certified mail as to the date, place and time of the administrative official's hearing, except for (1)a., b., and c.(i).~~

~~—(3) Any party of interest may appeal the administrative official's decision to the common council within five (5) days after the hearing approving the plat. The fee for filing an appeal shall be equal to the fee paid by the applicant seeking subdivision plat approval.~~

~~—(4) Upon expiration of appeal period, if any, administrative official records plat.~~

\* \* \*

**Severability.** The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

**Effective Date.** This Ordinance will become effective 20 days following publication, which will occur after the ordinance receives second and final reading by the City Council and is signed by the Mayor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF SPEARFISH**

(Seal)

By: \_\_\_\_\_  
John Senden, Its Mayor

Attest:

\_\_\_\_\_  
Michelle DeNeui, Finance Officer

First Reading: February 21, 2023  
Second Reading: March 6, 2023  
Public Hearing: March 6, 2023  
Published: March 10, 2023  
Effective: March 30, 2023