



Spearfish Planning Commission Agenda
February 7, 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 January 17, 2023

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: Hold a public hearing and make a recommendation to City Council.
2. **Request:** Approve a Sketch Plat for Lots 13 and 10A of the Meadows of Higgins Gulch
Location: Southwest of Hillsview Rd.; Within 3-Mile Extraterritorial Jurisdiction Area
Applicant: Ponderosa Land Surveys, LLC
Action: Approve the Sketch Plat
3. **Request:** Elect 2023 Planning Commission Chair and Vice Chair

F. Items for Discussion

1. **Commissioner Bordewyk to Serve on Study Advisory Team for Highway 85 Corridor Study**
2. **Corridor 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
January 17, 2023 at 3:00 p.m.

The Spearfish Planning Commission met in regular session on Tuesday, January 17, 2023 at 3:00 p.m. in the council chamber of city hall and via Zoom video conference. Chair Byrum called the meeting to order at 3:00 p.m. Roll call was taken with the following members present: Bob Meyer, Greg Kruskamp, Rick Tysdal, Meghan Byrum, and Toby Bordewyk. Also present: Mayor John Senden, Planning Director Marlo Kapsa, Assistant City Planning Director Jennifer Bergstrom, City Attorney Ashley McDonald, and City Administrator Steve McFarland.

APPROVAL OF MINUTES:

Kruskamp moved, Tysdal seconded and all voted to approve the minutes of the December 20, 2022 Planning Commission meeting.

DECLARATIONS OF CONFLICTS OF INTEREST:

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

- 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
Kapsa presented the proposed ordinance revisions and allowed time for comments and questions from the Planning Commission. Commissioner Kruskamp asked about sign posting requirements for preliminary plats. Commissioner Bordewyk requested that Sec. 15A-23. Governing body approval of plats language be included in the Planning Commission packet for reference for the February 7th meeting.

2. Items for Discussion:

Comprehensive Plan Update: Kapsa updated the Planning Commission on the next steps to be taken to update the City's Comprehensive Plan. Staff will discuss the Comprehensive Plan updates with City Council at a Study Session.

Corridor Studies: Kapsa provided an update on the progress of the Colorado Boulevard Corridor Study and the Highway 85 Corridor Study. She noted that there is not a Planning Commissioner on the Study Advisory Team for the Highway 85 Corridor Study. Commissioners Bordewyk and Tysdal expressed interest in serving on the committee. Kapsa also noted the upcoming public stakeholder meeting for the Colorado Boulevard Corridor Study that will be held on February 2, 2023 at the Heritage Center in Spearfish from 5:30PM to 7:00PM.

2023 Planning Commission Chair and Vice Chair Elections: Kapsa noted that a new Chair and Vice Chair for the Planning Commission would need to be elected during the February 7, 2023 Planning Commission meeting.

Additional Ordinance Amendments for 2023: Kapsa noted potential revisions to the parking, sign, and subdivision sections of the City's Revised Ordinances.

- 3. City Council Update –** Kapsa noted that Black Hills State University presented on their Strategic Plan Update during the January 11, 2023 Study Session Meeting. She also noted that John Buxton

presented on his recommended updates to the City's Discretionary Tax Formula to include affordable housing projects.

3. **Public Comment** – No comments were provided.
4. **Adjournment** - Byrum adjourned the meeting at 3:33 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.

- Meeting Date and Time:** February 7, 2023 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:** Hold a public hearing and make a recommendation to City Council
- 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: Recommend approval to City Council

ATTACHMENTS:

Page 3 – Ordinance form of subdivision code amendment

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

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



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

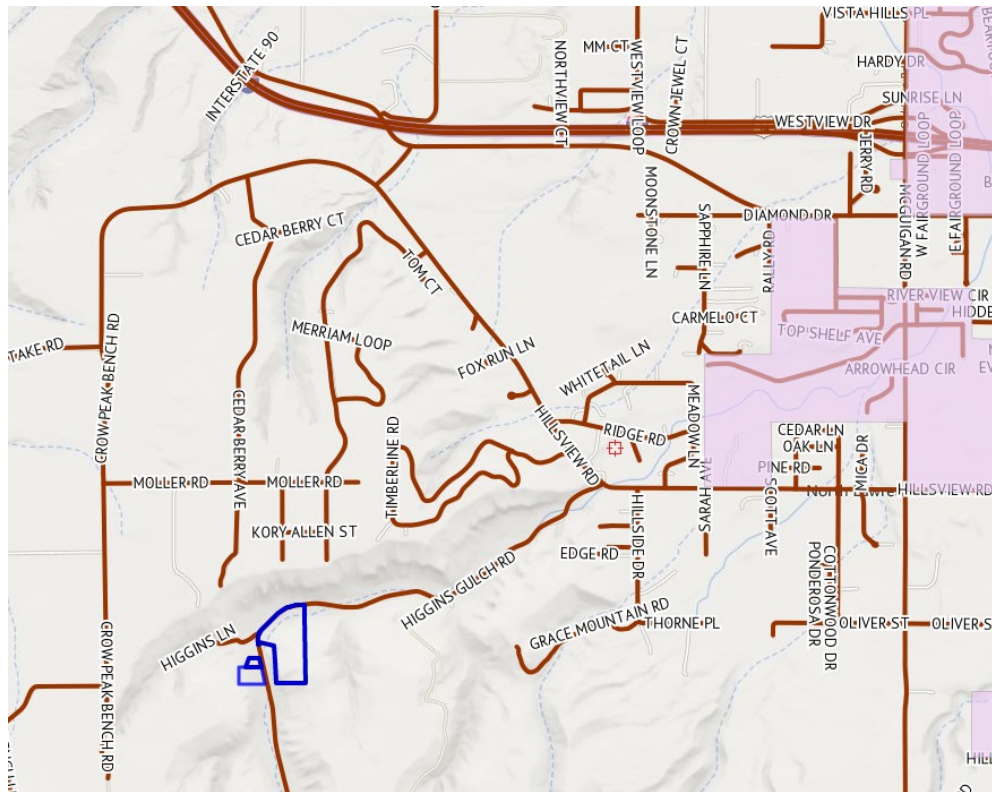
Meeting Date and Time: February 7, 2023 at 3:00 p.m.

Applicant: Ponderosa Land Surveys, LLC

Request: Approve a Sketch Plat for Lots 13 & 10A of The Meadows of Higgins Gulch

Action: Recommend approval of Sketch Plat

Location: Southwest of Hillsview Rd.; Within 3-Mile Extraterritorial Jurisdiction Area



Proposal Summary: A portion of Tract A will be combined with Lot 10 to create Lot 10A (4.557 acres), and the remainder of Tract A will become Lot 13 (21.995 acres).

General Comments:

The proposed sketch plat is a minor plat within the 3-Mile Extraterritorial Jurisdiction area with Lawrence County. This plat would combine a portion of Tract A to the existing Lot 10, to create a 4.557 acre lot, Lot 10A. The remainder of Tract A will be platted into Lot 13, which will be 21.995 acres in size.

Staff Review:

Zoning: The property is currently zoned Park Forest District. Both proposed lot sizes meet the minimum criteria of lot size and density requirements set forth within the Park Forest District regulations. Both lots are currently developed with single-family homes.

Utilities: There is an existing home and well on the proposed Lot 10A, and a cabin on the proposed Lot 13. Both lots meet minimum DANR standards to support their own well and on-site wastewater systems.

Access: Access is provided to both lots from Higgins Gulch Road, which is classified as a Collector Street on the City's Major Street Plan. The minimum 66-foot wide right-of-way has been dedicated along the frontage of both lots.

Floodplain: A portion of the proposed Lot 10A is within the 100-year floodplain area. The existing residence is outside of this floodplain area. The floodplain area should be shown on the plat document when it is submitted for final approval.

Platting Process: Following approval of the Sketch Plat, the applicant may submit a Final Plat for review by the Planning Commission and City Council.

Summary:

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations.

STAFF RECOMMENDATION: Approve sketch plat.

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

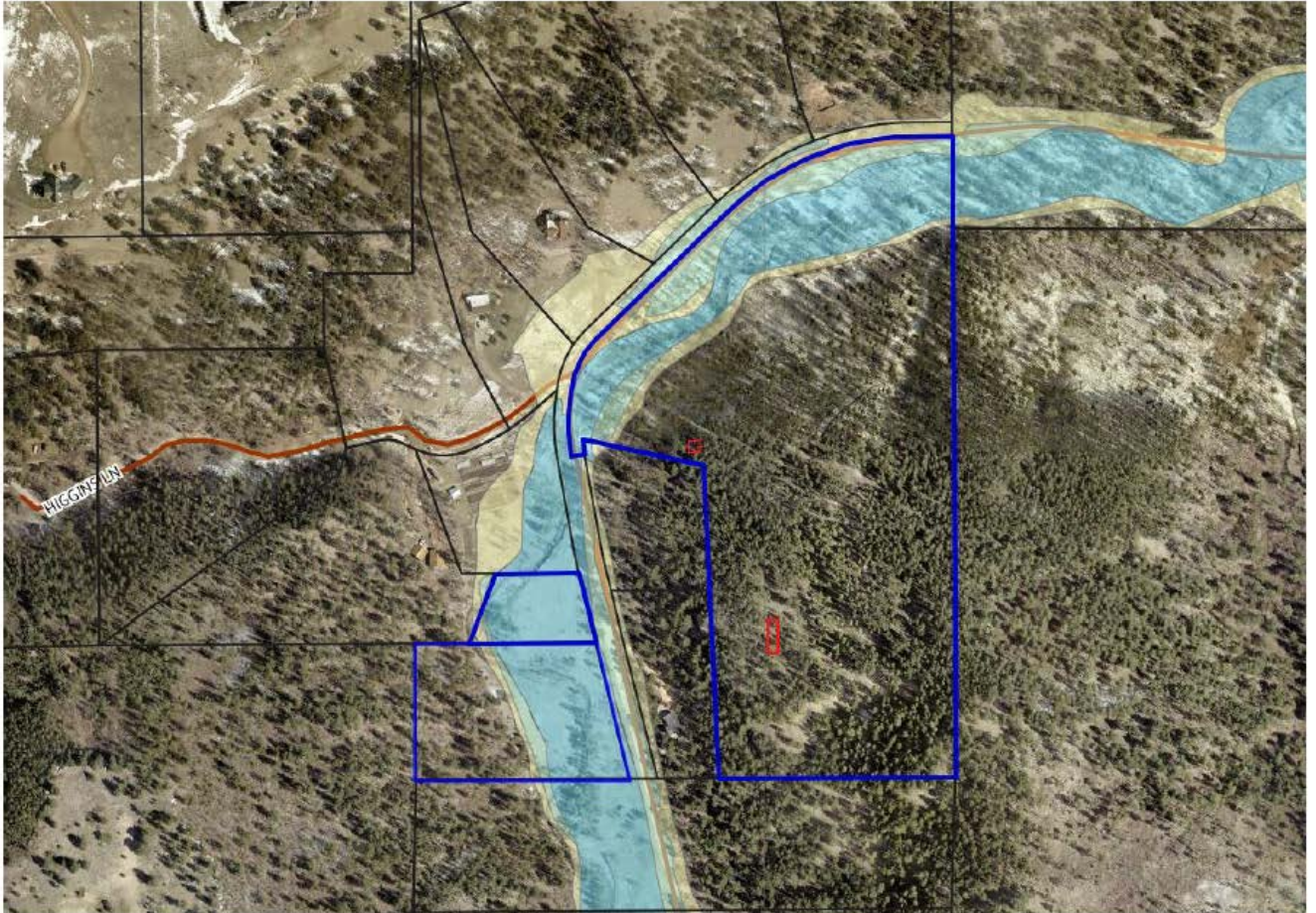
ATTACHMENTS:

Page 3 – Aerial Map
Page 4 – Sketch Plat
Page 5 – Structural Survey

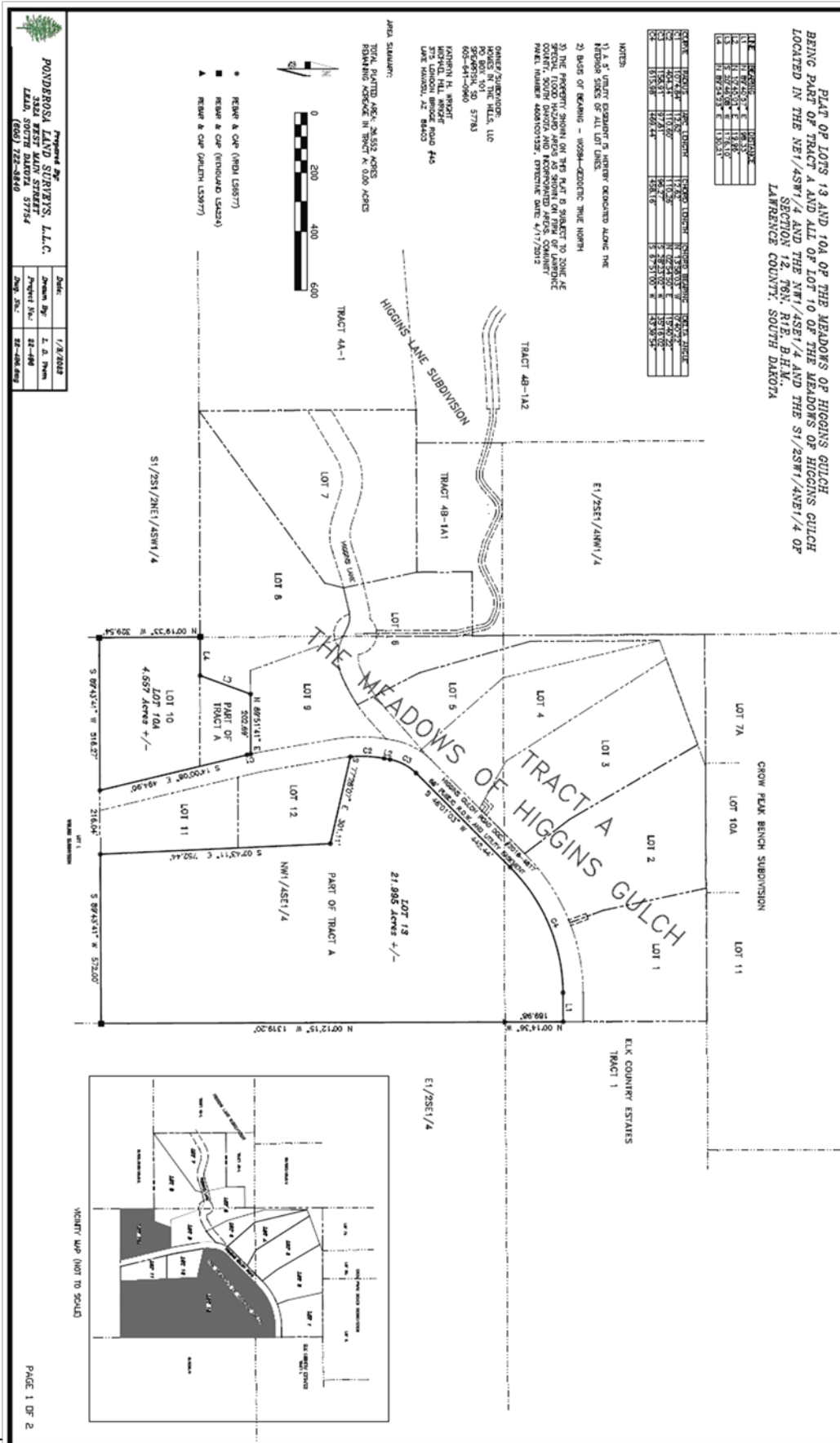
Aerial Map

Floodplain Area Map

Lots 13 & 10A of The Meadows of Higgins Gulch 12-6-1



Sketch Plat



Structural Survey

