

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF FEBRUARY 7, 2019

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, February 7, 2019, 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, Travis Schenk, and Julie Stone.

Absent: Tom Brady,

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

Moved-Seconded (Stone-Schenk) to approve minutes of January 10, 2019, meeting. Motion Carried.

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

Declaration of Conflicts of Interest: Tysdal: Item I

FINAL PLAT for Frawley Ranches Inc

Lot 56 of Frawley Ranch East in Section 7, T6N, R4E and Section 12, T6N, R3E and Section 7 & 18, T6N, R4E. (legal shortened) Located off Near Whitewood off Hwy 34 on Acorn Ridge Road. Platting to create a new lot. Zoning: A-1 Acreage: 1.289 acres Parcel ID: 22650-00604-000-03.

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

FINAL PLAT for Black Hills Forest Acres-Greg Wolff

Lot 21 Blk 5 of Whitewood Forest Addition #2, located in the NE1/4 of Section 20, T6N, R4E. Location: Located off of Oak Dr outside of Whitewood City Limits Platting to create a new lot in an existing subdivision and it matches the preliminary plat. Zoning: SRD Acreage: 2.06 acres Parcel ID: 22000-00604-204-10.

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

PRELIMINARY AND FINAL PLAT for John & Darlene Roost Trust & Security National Bank of Lot 7R, Blk 4 of Whitewood Forest Addition #2, located in the NE1/4 of Section 20, T6N, R4E. Location: Located off of Oak Dr outside of Whitewood City Limits. Platting to combine Lot 7, 8, & 9 into one lot. Zoning:SRD Acreage: 3.74 acres Parcel ID: 22710-00604-004-07 & 22710-00604-004-08 & 22710-00604-004-09.

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

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

RECOMMENDATION MEETING - VAR # 170 for Justin Mattson

Lot 1 of Placer 55 in the SW ¼ of Section 21, T5N, R3E. The property is located off of Maitland Rd. Mr. Mattson is requesting a 21' Variance on the NE corner and a 12' variance on the NW corner to the 25' side setback to build a 40x24 detached garage. Considering the topography and steep slope on the property the lot does have special circumstances (exceptional narrowness, topography, floodplain, silting, etc.) as described in the Ordinance that applies to

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this property, but the request for a detached garage on an already small, non-conforming lot with a residence does not meet the intent of the ordinance. Stone stated that the owner knew the limitations when the lot was purchased. Amber Vogt, Planning and Zoning Director specified that at the time of purchase the District setbacks were less than 25 ft on the side and back. Zoning: PF-Park Forest Acreage: 1.03 acres Parcel ID: 26200-00055-000-30

Moved-Seconded (Schenk-Stone) motion to Deny VAR #170 because it does not meet the considerations of Ordinance Chapter 16-Variences. Roll Call Vote: Aye: 5-Tysdal, Johnson, Gullickson, Stone, Schenk; Nay:1- Fuller. Motion Carried.

Public Hearing with Board of Adjustment Scheduled- February 12, 2019, 10:15 AM.

RECOMMENDATION MEETING - VAR # 171 for Lennard & Taaron Hopper

Legal Description: Lot 18 of Centennial Vista in Section 34, T6N, R3E. Located off Pendo Rd. Due to the topography of the land and the location of the existing structure. The Hoppers are requesting an approx 500' variance to the 45' setback between a primary dwelling and guest house. There was a discussion about the overall plan of the landowners with Gullickson stating that it seems to be a well thought out plan. Zoning: PF Acreage: 4.89 acres Parcel ID: 21300-00603-180-00

Moved-Seconded (Stone- Gullickson) motion to approve VAR #171. Roll Call Vote: Aye: 5-Fuller, Tysdal, Johnson, Gullickson, Stone; Nay:1- Schenk. Motion Carried.

Public Hearing with the Board of Adjustment Scheduled- February 12, 2019, 10:30 AM.

RECOMMENDATION MEETING - VAR # 172 for Scott Ellender/Ron Waldner

Lot 16R in Rochford Ridge Estates in Section 32, T4N, R3E. The property is located off of Rochford Rd. Requesting a 15.1' variance on the N corner and a 14.7' variance on the NW corner to the 25' front setback for an existing detached garage. This variance request was initiated by Ron Waldner - with Waldner Signature Homes as the contractor. Due to the replatting of the lots, the owner had done a preliminary plat. The surveyor determined the existing foundation was not in the correct location. The Contractor has not had an issue before this with making sure his homes meet all setbacks. Mr. Waldner brought the matter to the Planning and Zoning Department as soon as he found out about it. Zoning: PF Acreage: 5.561 acres Parcel ID: 13600-00403-160-00

Moved-Seconded (Fuller-Stone) motion to approve VAR #172 due to this being a first-time offense for the contractor. Motion Carried.

Public Hearing with the Board of Adjustment Scheduled- February 12, 2019, 10:45 AM.

INFORMATIONAL MEETING- COZ # 324 for Iron Creek LLC & Steele Real Estate LLC

Lots M.S. 1193 Sumner Lodes 10-16 & Keldonian Lodes 10-15 except Iron Creek Lake located in Section 22, T5N, R1E. Located off of Tinton Rd/Beaver Creek Rd & Iron Creek Rd. The applicant is requesting a COZ from PF-Park Forest & GC-General Commercial to all

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RC-Recreation Commercial. Ken Barker from Barker Wilson Law Firm, the representative for Iron Creek LLC, presented a historical and chronological background on the Iron Creek Lake Campground. Addressing the 1970's zoning of the area as General Commercial and Park Forest Districts. After research, it is found that there is a total of 108 acres total with the Lake and all portions of attached Mineral Surveys that are directly attached to the property that is being requested for a change of zoning. Since so much of the land was grandfathered as existing lots of record, updates to structures were have been non-compliant. Barker stated that the landowners would like to update the zoning to come into compliance. Vogt added that the upper M.S. is part of the request because the campground infrastructure is on that piece. The Board discussed the ownership of the lake which is SD Game Fish & Parks. Stone asked about the septic systems on the properties. Richard Sleep, one of the landowners, said that there are six privies. Barker shared that setback from the lake is 120ft. Vogt let the Board know that the legal description for this specific Change of Zoning update is the next step. Acreage: 85 acres Parcel ID: 26460-01193-000-05

Public Hearing with Planning and Zoning Board Scheduled- March 7, 2019, 1:30 PM.

INFORMATIONAL MEETING- COZ # 329 for McGuigan Inc

Lot SE ¼ NE ¼ Ex Parcel 4, located in Section 31, T7N, R2E. Located off Westview Drive. The applicant is requesting a COZ from A-2 Residential Agriculture to RR-Rural Residential. Drew Skjolda, a representative for McGuigan Inc. introduced himself and was present to answer questions. Vogt informed the Board about the property and plans for it, noting that is in a buffer area with other Rural Residential properties. Platting will be done through The City of Spearfish. Acreage: 29.87 acres Parcel ID: 24000-00702-311-50

Public Hearing with Planning and Zoning Board Scheduled- March 7, 2019, 1:30 PM.

INFORMATIONAL MEETING - ORD 19-01 Zoning & Subdivision Edits

Edits are reviewed during the meeting and will be available online. Edits will include Building Permits; District Regulations; Guest Houses; Subdivision Regulations etc. Vogt let the Board know about changes to specific areas of the Ordinance present by the Ordinance Task Force. *Building permits:* the 2018 IBC is proposed to be adopted in the Ordinance. *Fire Plans:* Vogt noted that it still needs to be a more extensive discussion on the overall intent of fire plans in the County. Commissioner and private surveyor Randy Deibert, part of the Task Force discussed the way the process for platting and building permitting are working with the current fire plan mitigation regulations. Board member Stone, also a task force member, explained how fire plans could be different depending on who is doing the plan. She stated that maybe the County should simply be a recommending entity only for fire plans. *District regulations:* there are several Districts with the removal and change of language. The task force is asking for some setbacks to be changed to eliminate the need for many Variances in the County. *Subdivision Regulations:* change of wording for the replat option. *Improvements Ch. 6:* there was a discussion about access for subdivisions. *Guesthouse Ordinance:* changes to the 45' setback

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requirement is proposed.

Public Hearing with Planning and Zoning Board Scheduled- March 7, 2019, 1:30 PM.

Items from Planning & Zoning Board Members

Vogt discussed the up-coming Comprehensive Plan review it is estimated to run from April 2019 -April 2020. The Black Hills Council of Local Governments will be involved, and there will be meetings with the community and the P&Z board members are asked to serve as a liaison and to make a list of other community stakeholders.

Opportunity for Public Comment

Surveyor Randy Deibert asked for clarification on the process of Road District signatures on plats. Vogt specified that the HOA's' homeowners and Road Districts need to have regular communication with each other.

The meeting adjourned at 4:05 PM.

APPROVED: _____ Date: _____

Rick Tysdal, CHAIR

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY