

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF MARCH 1, 2018

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, March 1, 2018, 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, Julie Stone and Travis Schenk.

Absent: Tom Brady

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

Moved-Seconded (Schenk-Stone) to approve minutes of the February 1, 2018, meeting. Motion Carried.

Moved-Seconded (Stone-Schenk) to approve the Agenda with the removal of Item I. Motion Carried.

Declaration of Conflicts of Interest: None

LAYOUT PLAN for Startz, James & Tina

Layout plan for the subdivision of M.S. 1135 Claire #4 into two parcels into a 2-acre and an 8-acre parcel. Located in Section 16, T4N, R4E. Off of Hwy 385. Startz is splitting parcel into two pieces. They have been in contact with the Forest Service concerning access through the lot. The Board recommended to have the Startz' go before the County Commission March 13th for an informational meeting; to advise on how to proceed with the plat and access to the lots using the Forest Service Rd.

PRELIMINARY & FINAL PLAT for Brian & Lisa Linneman

Lots 35 & 36 of the Estates at Pillar Peak in Section 20 and 21, T5N, R4E. Off of Hwy 85/Boulder Canyon. This plat is to allow two residences to be built on 101 acres of property. The Guesthouse Ordinance 16-01 could not be met due to the distance of residences. The fire plan would need to be completed as per the noted areas in the plan. Staff requests the board review the plan to see whether or not the two areas that the existing home is in and the proposed structure is in, still need further work or can be dealt with as they are constructing the new home with no occupancy permit being done until work is completed in the areas near the home.

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

Moved-Seconded (Stone-Fuller) motion to approve Final Plat with the condition that the areas depicted in the fire plan along the road be completed as well as the notation that any further subdivision would need fire plan review in affected areas. Motion Carried.

FINAL PLAT for Maitland Partners LLC

Lot 25 of Paradise Acres in Section 18, T5N, R3E. Off of Maitland Road. SUMMARY: This plat is a new lot in an existing subdivision. All roads and infrastructure are in place and it meets the

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original preliminary plat.

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

FINAL PLAT for BH Development LLC

Lots 13 and 15, Blk 3 and Lot 7, Blk 1 of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 and 17, T4N, R3E. Off of Hwy 85 near Deer Mt. Staff would like to put on record that a count will be made as each building permit is issued to see where they are at for numbers and the installation of the sewer plant. As numbers increase there will be a point where the issuance of building permits will have to be halted until such time the sewer plant is installed and in operation. Jerry Aberle, the representative for BH Development stated that the completion timeframe for the Waste Disposal Facility is in June 2018.

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

PRELIMINARY PLAT for BH Development LLC

Lots 1-14, Blk 7 and Lots 1-10, Blk 8 of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Off of Hwy 85 near Deer Mt. This plat is to allow the creation of more lots in the Powder House Pass Subdivision. The proposed lots match the original master plan for some small lot sizes. Water & sewer lines are installed in portions of this area already, but there will need to be a change to the existing bond to include much of this area prior to final plats being approved.

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

FINAL PLAT for BH Development LLC

Lots 2, 3 & 8 Blk 7 of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Off of Hwy 85 near Deer This plat a final plat of some of the lots in Item F. Water & sewer lines are installed to these particular lots already.

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

PRELIMINARY PLAT for BH Development LLC/BH Properties LLC

Lots 1-12, Blk 1 and Lots 1-14, Blk 2 of Ridgewood Addition of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Off of Hwy 85 near Deer Mt. This plat is to allow the creation of more lots in the Powder House Pass Subdivision. The proposed lots match the original master plan for some small lot sizes. Water & sewer lines are installed in portions of this area already, but there will need to be a change to the existing bond to include much of this area prior to final plats being approved.

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

RECOMMENDATION MEETING-VAR #165 John Lausser

Variance request for a personal use airstrip on less than 160 acres and not able to meet the 500' setback from the perimeter of the 160 acres. This parcel is 115 acres. Part of the acreage of this property is in Butte County with about 80 acres in Lawrence County. They are requesting a 400' Variance to the 500' setback, which will leave a 100' setback for a personal use airstrip from Upper Redwater Road. Property is described as parts of the SE ¼ SE ¼; NE ¼ SE ¼ S of the Redwater in Section 10, T7N, R1E and parts of SW ¼ SW ¼ S of the Redwater and S and E of the Redwater 20 rods wide on the S line of NW ¼ SW ¼ of Section 11, T7N, R1E. Located off of Hwy 85 and on Upper Redwater Road. The Board discussed Butte Counties interests in a project like this. Mrs Lausser was present and stated that the proposed airstrip would be 150 -200' from the road and fire hydrants will be installed along the airstrip. She addressed the neighbors concerns that she is aware of as well. Schenk noted that there are two homes that are 500' from the end of the runway. Amber Vogt, Planning and Zoning Director, stated that the Lausser's can get a CUP for an airstrip in zoning district A-1 if they get a variance for the setback. The Board opened up for questions and concerns from the public. John Swansen, 10459 Upper Redwater Rd, expressed unease with the possibility of future use of an airstrip and home values. Staff concludes that there are no special circumstances (exceptional narrowness, topography, silting, etc.) on the property as described in the Ordinance that apply to this property. The provisions in the Ordinance would also not deprive the applicant of any reasonable use of his land. Due to the findings listed in the above, Staff recommends denial of the requested Variance #165.

Moved-Seconded (Stone-Fuller) motion to deny the Variance #165 as request because it does not meet the considerations of Chapter 16-Variences and the Board would like to have consistency with variance requests. Motion Carried.

Public Hearing Set with BOA: March 27, 2018, 9:45 AM.

INFORMATIONAL MEETING-COZ #321 for Bruce Keller & Traci Rambo

Request to apply for a change of zoning from SRD-Suburban Residential to RC- Recreation Commercial to place a small campground/resort development on property described as Tract 5 & 6B of M.S. 1368 all located in Section 27, T3N, R5E. Located off of Hwy Nemo Road. Owners are planning on 3-6 cabins using one septic if possible with a shared area lodge. Tysdal asked and the Board discussed how plans like this match with the County Comprehensive Plan. As well as the recreational and services visioning for the Nemo area.

Public Hearing Set with P&Z: April 5, 2018, 1:30 PM.

DISCUSSION ITEM - Weeds & Administrative Zoning Changes

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None.

Items from Planning & Zoning Board Members

Johnson gave an update on the Variances #163 and #164 that came before the County Commission February 13th. He reported that the commission is not interested in changing any processes or procedures for Variances with Planning and Zoning. Vogt mentioned that she will be having a meeting next week representing from Pennington County about Lawrence County Mining Ordinances.

Opportunity for Public Comment

Jerry Aberle told the Board of talks he is having with The Register of Deeds to possibly changing legal bookkeeping of the Powder House Pass CID.

The meeting adjourned at 2:54 PM.

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY