

# LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF JUNE 7, 2018

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, June 7, 2018, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Tom Brady, and Julie Stone.

Absent: Daryl Johnson, Scott Gulickson, and Travis Schenk.

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

Moved-Seconded (Brady-Stone) to approve minutes of the May 3, 2018, meeting. Motion Carried.

Moved-Seconded (Brady-Fuller) to approve the Agenda with the removal of items B & D. Motion Carried.

Declaration of Conflicts of Interest: None.

## **FINAL PLAT for BH Development & BH Properties**

Lots 1, Blk 1 and Lot 2, Blk 2 of Ridgewood Addition of Powder House Pass in Sections 7 & 8, T4N, R3E. (legal shortened). Located off Hwy 85 in Powder House Pass. Creating new lots in an approved subdivision. Roads off of these lots still need to be constructed. The wastewater treatment plant project is projected to be completed by July 15, 2018.

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

## **FINAL PLAT for Two Bit LLC**

Lot 22 & 52 of Golden Hills and dedicated public ROW all located in Sections 25 & 36, T5N, R3E and Sections 30 & 31, T5N, R4E (legal shortened). Located off of Two Bit Road. Creating new lots in an already approved subdivision.

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

## **PRELIMINARY & FINAL PLAT for Aaron & Kimberly Maag**

Tract 4, Blk A of Bowman Sub all located in Sections 34, T5N, R3E (legal shortened). Located off of Two Bit Road. Combining 5 lots into 1 lot.

Moved-Seconded (Brady-Stone) motion to approve as an Exempt Plat. Motion Carried.

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

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

## **FINAL PLAT for Two Bit Ranch Estates LLC**

Lot 3 & 16 of Two Bit Ranch Estates all located in Sections 30, T5N, R4E (legal shortened). Located off of Two Bit Road. Platting new lots in an existing subdivision.

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

## **PRELIMINARY & FINAL PLAT for Gerald & Sharleen Bergum**

Tract 1A1-A, 1A1-B and Tract B Revised of Gray Subdivision in Section 36, T6N, R4E located

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off of the Whitewood Service Road. This plat is subdividing an additional lot in the Gray SD. This property has a CUP related to it and was in front of the County Commission May 22, 2018. The Commission made some amendments to the CUP and added a condition that if the land is sold the owners will come before the Commission and request transfer or close the CUP. This plat does not need a new fire plan because the subdivision has a plan already.

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

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

## **PUBLIC HEARING-CUP # 446 for Mike Kinzerski**

Request to apply for a lodge, hall meeting place CUP on property zoned PF at 20829 Mattson Lane in Boulder Canyon. Property is known as Tract 37 in Section 24, T5N, R3E. (legal shortened) Vogt advised the Board of letters sent regarding the application for CUP

**Proponents:** None

**Opponents:** Lou Cox, 20845 Legacy Pl, Deadwood, submitted concerns: 1) That the County does not have a noise ordinance and would like to see something that would give a framework for the applicant and the surrounding neighbors to follow for keeping noise under control and less disruptive. He would like to see something that limits the time of operations and loud activities such as music playing. 2) Oversight/presence of operators on site for activities so as not to leave renters unsupervised during events. 3) Water usage concern, as there is a well agreement that is used at this time and it is not a community well. Jon Mattson, PO Box 269 Deadwood, a neighbor that shares an access road with the applicant. Mattson shared about his discussion with Mr. Kinzerski in regard to the road maintenance and the well usage. He said that he came away from the conversation satisfied with Mike's plan.

**Proponents:** Kinzerski asked to amend his original plan to add that he will be digging a new well for this property. He plans to discontinue the well agreement. It was verified that Mattson Lane is not in David Winters road district for the neighboring Majestic Heights subdivision. Mike said that he plans to do his part in road maintenance. He is also in favor of guidelines being set for noise reduction. He plans to keep music performances in the barn.

**Opponents:** Lou Cox asked if Kinzerski will have someone on site for security and to make sure guidelines are followed? The Applicant stated that he will have someone hired to be sure that conditions are met.

**Discussion:** Brady discussed parameters on noise and time limits. He recommended that midnight be the cut-off time for music and that it be played inside only. He suggested that a condition #16 be added; that no operations begin until an independent water supply is in use. Amber Vogt, Planning and Zoning Director proposed using the applicant's letter/ plan as conditions for the CUP. Fuller voiced concern about alcohol consumption and enforcement of underage drinking laws. Kindzerski said that the responsibility would be left to the renters of the venue. Brady reminded that if there is more than one complaint, that the CUP would be

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modified or eliminated.

Moved-Seconded (Brady-Stone) motion to approve the CUP #446 with additional conditions: 1) that an independent water source to be available. 2) Music to be played indoor and no speakers or amplifiers outdoors. 3) Music to be concluded by and not later than at 12 AM. 4). Strike the portion of the applicants plan: ~~no new wells are proposed related to this project.~~ Motion Carried.

**Public Hearing Set with County Commission: June 26, 2018. 9:00 AM.**

## Discussion

**Public Nuisance/ Junk Ordinance:** Jeff Schroeder briefed the Board on the heavy influx of complaints that the Planning and Zoning office has had in the last 6 months. He is requesting that the Board help to set up a process to address the complaints of junk nuisances that are not being addressed by the landowners. Bruce Outka, Lawrence County Attorney, mentioned that there are guidelines set out in the IBC-International Building Codes for building issues. He also explained some of the SD State Statutes. Vogt agreed that the IBC would be a good place to look for ideas to set up a process. Outka shared the issues that come up with taxes liens and the inability for some landowners to pay, adding increased costs for the County. Fuller shared the City of Deadwood's experience with the writing of a junk ordinance. He suggested an abatement process. Schroeder gave examples of surrounding County process' to address junk nuisances. There was a discussion of liability to the County for the demolition of valuable property. Brady suggested a voluntary compliance agreement and explained a process that would involve the county commission to declare the nuisance and it would then be on record and would that should cover any liability. He proposed that incoming complaints would be followed by a letter from the P&Z office with a voluntary compliance agreement. If a complaint is not resolved by the landowner by a certain date then the complaint would go before the County Commission to decide there if there will be legal action taken.

**Zoning Classification:** Voigt explained that more and more people would like to run businesses in areas that are not zoned for certain types of business. She would like the Board to take a look at zones in the County that may need to updated for certain growth trends. She listed other upcoming discussion that she would like to see the Board have in the coming months.

## Items from Planning & Zoning Board Members

None.

## Opportunity for Public Comment

None.

The meeting adjourned at 2:45 PM.

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_

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Rick Tysdal, CHAIR

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_

Kelly Fuller, SECRETARY