

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF JULY 5, 2018

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, July 5, 2018, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Daryl Johnson, Rick Tysdal, Travis Schenk, Tom Brady, and Julie Stone.

Absent: Kelly Fuller and Scott Gullickson.

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

Moved-Seconded (Brady-Stone) to appoint Daryl Johnson as acting Secretary due to Kelly Fuller's absence. Motion Carried.

Moved-Seconded (Schenk-Brady) to approve minutes of the June 7, 2018, meeting. Motion Carried.

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

Declaration of Conflicts of Interest: None.

FINAL PLAT for Aberle/Chandler Dev Corp

Lots 19 and 37 of Sugarloaf Village in Section 19, T4N, R3E and Section 24, T4N, R2E located along Hwy 85. This plat is creating 2 new lots in an existing subdivision. Infrastructure includes roads which were designed by Brad Ellis; all dedicated as private access with a community well and sewer systems.

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

FINAL PLAT for BHSF Railway Company

Lot JLL being a portion of Winchester Placer MS 1004 located in the NE 1/4 of Section 20, T4N, R3E located along Mickelson Trail near Englewood. This plat is platting an old metes and bounds description and will have no building rights attached to it. Planning and Zoning Director, Amber Vogt informed the Board of the issue of determining ownership of this piece of land. The piece has been an RR R.O.W and a R.O.W for the Mickelson Trail but on the tax rolls of the Blas Scvicalo and Family. Present at the meeting were representatives of S.D. GF&P Dept., requesting more time to figure out the ownership. Loren Vrem, the surveyor stated that there have been no patents found for this metes and bounds description. Vogt added that there are quit claim deeds for the three possible owners.

Moved-Seconded (Brady-Schenk) motion to table the Final Plat. Motion Carried.

FINAL PLAT for BH Development & BH Properties

Lots 2, 8, 9, Blk 1 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. Final matches the approved preliminary plat from 2018.

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

FINAL PLAT for BH Development LLC

Lots 4 and 5, Blk 1 of Trailside 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

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subdivision. Final matches the approved preliminary plat from 2018.

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

FINAL PLAT for Two Bit LLC

Lot 18 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. The preliminary plat was approved in 2005 with road profiles by Brad Ellis. The infrastructure has been completed.

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

PRELIMINARY and FINAL PLAT for Dahme and Hoover

Lot 1A & 4A, Blk 2 of Annuit Coeptis (East) SD located in Section 16, T4N, R4E (legal shortened). Located off of Hwy 385 on Elk Creek Rd. Combining 3 lots into 2 lots. Lots 1A (2.493 acres and Lot 4A (1.588 acres) Annuit Coeptis SD was approved in 1965. It has public roads. Individual wells and sewer systems.

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

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

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

PRELIMINARY and FINAL PLAT for Jeff & Traci Matthew

Tracts 1 & 2 of Matthew SD located in Section 15, T4N, R3E (legal shortened). Located off of Yellow Creek Rd. Subdividing his lot into 2 lots. The only infrastructure in this area is Yellow Creek Road and it will have individual sewer and wells. At this time a Final Plat cannot be approved because not all of the fire plan work has been completed. The landowner spoke with the Board regarding the requirements set out in the plan. He explained about the areas that he would be kept for his personal wood heating source. He has a concern about the cost and time it will take to clean up. He has stated that he has applied for a State grant to assist with the cost.

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

Moved-Seconded (Stone-Fuller) motion to table the final plat pending completion of the fire plan. Motion Carried.

RECOMMENDATION MEETING-VAR #166 Jacqueline Murray

Variance request to allow a detached garage to be built while considering the floodplain and saving the trees on the property. They are requesting a 4' variance to the 25' front setback on NE corner and a 6' variance to the 25' side setback on NE corner. Property is described as Lot 55 Spearfish Canyon Lot in Section 15, T4N, R2E. Located off of Spearfish Canyon Road Road. Spearfish Canyon Homeowners Assoc. Treasurer Ralph Reausaw was present on behalf of Murray. He provided two site plans. One showing how there would have to be the removal of

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more trees than the property owner would like and reduction of the driveway to fit the garage in the the space without a variance. The other site plan showed the garage with a variance and less removal of trees. Johnson suggested moving the garage back into the lot a bit and reducing the size of the garage to accommodate for the setbacks. Reausaw said he would take the suggestion back to the landowner and will let the P&Z Office know if she wishes to continue with a Public hearing in front of the board of Adjustment.

Moved-Seconded (Schenk-Brady) motion to deny the Request for Variance based on, that it does not meet the conditions of Ordinance Chapter 16. Motion Carried.

INFORMATIONAL MEETING - ORD 18-03 Subdivision & Zoning Ordinance Edits

Vogt shared the edits in the code that are part of Planning and Zoning implementation of American Legal Publishing and their online system for the search-ability of the Ordinances by the public. The edits are in conjunction with the legal review done by American Legal Publishing. She stated that certain sections will have to be approved as they are added. Bruce Outka, County Attorney advised that there be public hearings with P&Z and County Commission.

Moved-Seconded (Brady-Stone) motion to set a public hearing with Planning and Zoning. Motion Carried.

Public Hearing Set with Planning and Zoning: Aug 2, 2018. 1:30 PM.

Discussion

Public Nuisance/ Junk Ordinance: Jeff Schroeder, County Building Inspector updated the Board on the regulation and enforcement of complaints that the Planning and Zoning Office receives. There has been a planned coordination with the Sheriff's Department. Johnson and Outka discussed the problem with neighbors trying using the County against one another in civil disputes. Schroeder and Outka explained the research that they have done of other counties and municipalities in the State and found that many do not get involved unless there is an issue of health and safety. They supplied a position paper that lays out what is proposed for handling complaints. They have also drafted documents to be used in the procedure. They have used the International Property Maintenance Codes as a guideline. Johnson shared about how many complaints arise from laziness of landowners. There was a suggestion that P&Z be the entity that brings the complaint to the Commission. The Board discussed grants for those that do not have the funds to clean up their property in a timely manner. Some thoughts are to employ the Hwy Dept for a day to bring trucks to haul junk and trash. Brady proposed that if the violation is a serious situation it would go straight to the State statute; if not it would go through the intended procedure. The procedure would include the first notice of complaint to the landowner with an appeal option within 20 days, then an abatement process or go to the States statute. Outka gave the example of Minnehaha County and their procedure of having a public hearing with the neighbors receiving notification. There would be a consent agreement that the landowner would sign prior to anything going before the Commission it would be a contractual agreement to clean up the property. Vogt feels that a separate maintenance ordinance may be

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needed because some complaints are not zoning ordinance violations. Brady suggested that the procedure should be in the zoning ordinance with reference to the uniform codes, making it a zoning violation. Vogt would like to see a repeal of the current Junk Ordinance and rather use of the IPMC and the State code. The next meeting there will be a written policy for review.

Zoning Classification: Vogt reviewed a list of items for the Board to revisit. She recommended removing a reassessment of the Variance process. 1) to review the County zoning map 2) taking another look at the Comprehensive Plan 3) a definitions update of the CUP Ordinance.

Items from Planning & Zoning Board Members

None.

Opportunity for Public Comment

None.

The meeting adjourned at 3:22 PM.

APPROVED: _____ Date: _____

Rick Tysdal, CHAIR

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY