

## **LAWRENCE COUNTY PLANNING & ZONING BOARD**

MINUTES OF January 4, 2018

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, January 4, 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 December 7, 2017, meeting. Motion Carried.

Moved-Seconded (Stone-Schenk) to approve the Agenda without Items E and F. Motion Carried.

Declaration of Conflicts of Interest: Tysdal: Item I.

Moved-Seconded (Schenk-Stone) to keep all of the officers the same as 2017, Chairman- Rick Tysdal, Vice- Chairman-Tom Brady and Secretary-Kelly Fuller. Motion Carried.

Moved-Seconded (Stone- Schenk) to approve meeting dates for 2018 to be on the first Thursday of the month at 1:30 PM in County Commission Room for 2018. Motion Carried.

### **FINAL PLAT for Frawley Ranches, Inc**

Lot 49 of Frawley Ranch East part of Tract P2 of Frawley Ranch East located in the S 1/2 SW 1/4 of Section 7 and the NW 1/4, NE 1/4 SW 1/4, W 1/2 NE 1/4 and NW 1/4 SE 1/4 of Section 18, T6N, R4E. Property is currently zoned A-1 General Agriculture District and is located off of Ridgefield Loop near St. Onge and I-90. This Development was allowed under a Planned Unit Development and Density Transfers of the building rights from the total acreage to be clustered in one location. The lots are substantially the same as the Preliminary Plat. The subdivision meets the requirements of the ordinance in effect at the time of approval of the preliminary plat. All roads are completed and the fire plan is completed. The property is not included in either the Joint Powers Jurisdiction nor the 3 Mile Platting Jurisdiction of the City of Spearfish. This area does fall within a designated growth area for the City of Spearfish.

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

### **PRELIMINARY & FINAL PLAT for Steve & Michelle Thomas/Jan Carter & Lora Baumann**

Lot 2 Revised of Rentto SD, being a Sub of Tract A of HES 170 and the Anticipation, Madora, and Vermont Lodes of MS 1307 and Tract C-1 Revised of the S/D of HES 170. All located in the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 30, T4N, R4E. Property is currently zoned PF-Park Forest District and is located off of Nemo Road. Lot C-1 was originally developed in 1996 and Lot 2 of Rentto Sub was in 1997. This proposed lot line adjustment is a close swap between the two existing lots-currently, Tract C-1 is 9.38 acres and the change will make it 9.415 acres and the existing Lot 2 is 5.06 acres and the new one will be 5.051 acres. Neither of these original plats had a fire plan associated with them, but in this case, Staff would consider it an exempt plat because there is no increase in density just a lot line change.

Moved-Seconded (Gullickson-Schenk) motion to approve as an Exempt Plat. Motion Carried.

Moved-Second (Gullickson-Schenk) motion to approve Preliminary Plat. Motion Carried.

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

**FINAL PLATS for Pillar Peak LLC**

Lots 28, 29 & 30 of the Estates at Pillar Peak, being a part of Tract 1 of the Estates at Pillar Peak located in the NE 1/4 and the N1/2SE1/4 of Section 20, the W1/2NW1/4 and the NW1/4SW1/4 of Section 21, all in T5N, R4E. Located off of Highway 85/Boulder Canyon. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF. This property is a pre-existing subdivision and matches the preliminary plat. The property has already met the requirements of the subdivision ordinance.

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

**PRELIMINARY & FINAL PLAT for Greg Swensen**

Lots 1-3, Block 6 of Wilderness Estates 2nd Addition in Powder House Pass located in Section 8, T4N, R3E. Off of Hwy 85. Property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. This property is owned by Greg Swensen and is included in the development of Powder House Pass CID. The proposed lots match the original master plan for some small lot sizes. Water & sewer lines are installed in this area already. Staff would like to put on record with 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.

Schenk did voice some concern of the private driveway being extended off the end of the cul de sac. Vrem stated there is a fire hydrant at the cul de sac.

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

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

**PUBLIC HEARING-CUP# 443 for Robin Auer**

Request to apply for a Temporary 2nd Residence for a family member with a medical condition. Located 1 mile S of Whitewood on Crook City Rd. Property described as Tract A-2 of the SW ¼, Section 27, T6N, R4E. The applicants contacted our office to apply for a Conditional Use Permit for the purpose of a Temporary 2<sup>nd</sup> Residence, which is allowed in the Park Forest District under as a Conditional Use Permit. The Auer's meet all of the requirements for Ordinance Chapter 19. The applicant would like to leave the existing mobile home on the 40- acre parcel for Robin's mother (Carolyn Tippey) and they would like to re-do the existing stick built structure for their son (Allen Auer ). So, in this case, Carolyn's house would be the Temporary 2nd Residence and the newly remodeled home for Allen would be the permanent structure.

Proponents: Robin Auer mention a letter that she received and gave a copy of for the record. It is from a neighbor that their gave their support to the CUP.

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Gullickson-Schenk) motion to approve CUP #443 with the proposed conditions as it meets considerations for Ordinance Chapter 19. Motion Carried.

## **Public Hearing with County Commission Set for January 23, 2018**

### **PUBLIC HEARING - CUP Amendment #62-17 for David Arnio**

Located off of Old Belle Road. Property described as the North 485' of a portion of the N 950' of the E 460' of the NE ¼ all in Section 32, T7N, R2E. Request to apply for an amendment to the existing CUP #62 which allowed a logging/trucking business on the property; they would like to change the boundary of the CUP description to only be on 5 acres instead of 10 acres; add construction business; rental of garages, units and the parking area for outside storage of campers, etc. The applicant has had CUP #62 since November 23, 1982, on property described as the N 950' of the East 460' of the NE ¼ of Section 32, T7N, R2E. Approx 10 acres and is currently zoned A1- General Agriculture District. The applicant is requesting an amendment to the original CUP to update the uses allowed as well as change the legal description. Mr. Arnio will be keeping the home on the adjacent 5-acre parcel for the time being. This parcel of land is located within the City of Spearfish growth area as shown in the Comprehensive Plan and is also contemplated for commercial development in the Old Belle Road Study. This property also has been going through the Change of Zoning process and COZ #319 would go into effect as of January 5th, 2018, making the property RR- Rural Residential District. The new plat has been submitted to the City of Spearfish.

Proponents: None.

Opponents: None

Proponents: None

Opponents: None

There was a discussion about why Mr. Arnio did not seek a new CUP instead of an amendment. Amber Vogt, Planning and Zoning Director, explained that the amendment updates the CUP and lists the use of storage units that have been on the property since after the CUP was granted and updates the boundary for the CUP. The Amendment also creates an updated list of conditions.

Moved-Seconded (Fuller-Stone) motion to approve CUP #62-17 as it meets considerations for Ordinance Chapter 19. Motion Carried.

Motion Amended (Fuller-Stone) to reflect that the Board is OK to change the Item #6 with the language requested by the City of Spearfish and the proposed conditions. Amended Motion Carried.

## **Public Hearing with County Commission Set for January 23, 2018**

### **DISCUSSION ITEM - Weeds & Administrative Zoning Changes**

Commissioner Johnson reported that he had updated Commissioner Sleep about the position of the Planning and Zoning Board on the issue of weed control as discussed in the last P&Z meeting in December 2017.

**Items from Planning & Zoning Board Members** Vogt told the Board that a first draft of the County Ordinances from American Legal Publishers was received and is awaiting a legal review to check for conflicts with State statutes. Johnson informed the Board that Randy Deibert will not be the alternate commissioner for Planning and Zoning Board in 2018. Richard Sleep will be the Alternate for Daryl

Johnson and will be present at the Feb meeting.

**Opportunity for Public Comment**

**None.**

The meeting adjourned at 2:10 PM.

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
Rick Tysdal, CHAIR

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_  
Kelly Fuller, SECRETARY