

## **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

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

MINUTES OF February 1, 2018

REGULAR MEETING

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

Present: Kelly Fuller, Rick Tysdal, Richard Sleep, 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 (Stone-Schenk) to approve minutes of the January 4, 2018, meeting. Motion Carried.

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

Declaration of Conflicts of Interest: None

### **FINAL PLAT for Aventure Estates LLC**

Lot 3 of Aventure Estates, located in Section 11 & 12, T4N, R2E, off of Terry Peak Summit Road. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF. This property is a pre-existing subdivision and has already met the requirements of the subdivision ordinance. Currently, there are no structures on the property. Final plat matches the preliminary plat.

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

### **PRELIMINARY & FINAL PLAT for Rochford Ridge Estates Bowar/Percevich/McGrath**

Lot 12A & 13A of Rochford Ridge Estates, all located in Section 31, T4N, R3E, off of Rochford Road. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF. This property is a pre-existing subdivision and has already met the requirements of the subdivision ordinance. They would like to change the lot lines between Lot 12 & 13 to increasing the size of Lot 13 from 6.27 acres to 10.851 acres and decreasing the size of Lot 12 from 7.53 acres to 3.037 acres. Overall this change does not increase or decrease the density of the subdivision. The smaller lot size of Lot 12 still meets the density requirement of at least 2 acres. Currently, there are no structures on the property.

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

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

### **INFORMATIONAL MEETING-CUP # 444 for Kenny Gardner**

Request to apply for a Storage Units Conditional Use Permit on property described as Lot D of Sawpit Tract, being a portion of the Bingham Lode MS 1379 et al all located in Section 29, T5N, R3E. located off of Hwy 85 on Cutting Mine Road. Gardner proposes a change to the current easement with Barrick Gold Corp. The site plan currently shows buildings running across easement. Amber Vogt, Planning and Zoning Director informed Gardner that this will have to be changed before the public hearing meeting and that no building permits will be issued if structures are shown in the easement. Jeff Birch, representative of Barrick was present to ensure access for Barrick traffic and has some concern with proposed location of new access.

**Set Public Hearing with Planning and Zoning: March 1, 2018**

### **RECOMMENDATION MEETING-VAR #163 Mark and Kristi Hensly/Legacy Custom Homes & Design**

Variance request 8.8' Variance to the 25' front setback, which will leave a 16.2' front setback for a new residence still under construction. Property is described as Lot 1, Blk 1 of Wilderness Estates 2nd Addition in Powder House pass, located in Section 17, T6N, R3E, located off of Hwy 85. The property is zoned PUD and is 1.35 acres. Vogt informed the board that a bank ordered a survey of the new construction home and it was found that the structure did not meet the front setback. A Stop Work Order was issued and Jesse Horstman the owner of Legacy Custom Homes and Design immediately started the Variance procedure after making the determination that they were too far along on construction to move the residence. The applicant has provided a site plan from Ponderosa Land Surveys with a letter of explanation. Jesse was present to answer any questions and has made adjustments to add the use of Ponderosa Land Surveys to all projects. Tysdal expressed concern about the Boards lack of flexibility with variances. Sleep acknowledged the Boards predicament. Stone mentioned that the variance consideration of topography and its impact on drainage could be used to approve this variance.

Moved-Seconded (Schenk-Fuller) motion to deny the variance request because it does not meet the considerations of Chapter 16-Variations and the Board would like to have consistency with variance requests. Roll Call Vote: Aye: 3- Fuller, Tysdal, Schenk; Nay: 3- Sleep, Gullickson, Stone. Motion is lost. Variance goes forward with no recommendation.

Moved-Seconded (Gullickson-Stone) motion to approve variance because it will not be detrimental to the public welfare or injurious to other property of improvements in the area in which the property is located and also due to the topographical areas on the lot under Chapter 16- Variance, Section 1.5 Considerations. Roll Call Vote: Aye: 3-Sleep, Gullickson, Stone; Nay: 3-Fuller, Tysdal, Schenk. Motion is lost. Variance goes forward to the Board of Adjustment with no recommendation.

**Set Public Hearing: February 13, 2018, 9:15 AM**

### **RECOMMENDATION MEETING-VAR #164 IpropertiesSD LLC/Legacy Custom Homes & Design**

Variance request 3.8' Variance to the 25' front setback, which will leave a 21.2' front setback on the SE Corner and a .20' Variance to the 25' front setback, which will leave a 24.8' front setback on the NE corner for a new residence still under construction. Property is described as Lot 2, Blk 4 of Wilderness Estates 2nd Addition in Powder House Pass, located in Section 17, T4N, R3E, off of Hwy 85. This variance request was initiated by Legacy Homes & Design - Jesse Horstman after being contacted them about VAR #163, they became concerned about this property as well and when they ordered a survey it was found that it did not meet setback either. Planning and Zoning issued a Stop Work Order. The applicant has provided a site plan from Ponderosa Land Surveys with a letter of explanation.

Moved-Seconded (Stone-Gullickson) motion to approve variance because it will not be detrimental to the public welfare or injurious to other property of improvements in the area in which the property is located under Chapter 16- Variance, Section 1.5 Considerations. Roll Call Vote: Aye: 3-Sleep, Gullickson, Stone; Nay: 3-Fuller, Tysdal, Schenk. Motion is lost. Variance goes forward to the Board of Adjustment with no recommendation.

**Set Public Hearing: February 13, 2018, 9:30 AM**

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

Vogt updated the Board with information from the meeting between herself, Bruce Outka, Attorney for Lawrence County and Dave Heck, Supervisor of Invasive Species Management. They discussed SDCL 38.22.16. Planning and Zoning has added a statement regarding weeds to building permit applications and Dave Heck will be providing educational materials to the P&Z office for a handout. Sleep mentioned the cost and time it takes for enforcement when residents do not make effort to control weeds on their property. Vogt said that Heck could use the P&Z meeting agenda to address landowners during platting process.

**Items from Planning & Zoning Board Members**

Vogt made a request to the Board to recommend to the County Commission to take a look at the Variance Ordinance in general and that P&Z maybe request the setbacks be staked on site for lots smaller than 2 acres.

Moved-Seconded (Fuller-Stone) motion to approve Recommendation for review of Ordinance Chapter 16 to County Commission. Motion Carried.

Tysdal requested that due to growth and development there be a move toward updating the Comprehensive Plan for Lawrence County. Vogt informed the Board that the last plan was done in 1998 and an inhouse update in 2005. She stated that the growth in the cities has been different than expected and Spearfish and Deadwood have updated Comprehensive Plans recently or are in the process. Vogt would like to address this now so that she may budget for it in years 2019-2020.

Moved-Seconded (Stone-Fuller) motion to approve Recommendation for review of Lawrence County Comprehensive Plan to County Commission. Roll Call Vote: Aye: 5-Fuller, Tysdal, Gullickson, Stone, Schenk; Nay: 3-Sleep. Motion Carried.

**Opportunity for Public Comment**

None.

The meeting adjourned at 2:47 PM.

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

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

## **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 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.

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-Variations 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**

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

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

MINUTES OF April 5, 2018

REGULAR MEETING

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

Present: Kelly Fuller, Rick Tysdal, Daryl Johnson, Julie Stone and Travis Schenk.

Absent: Tom Brady and Scott Gullickson

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

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

Moved-Seconded (Schenk-Stone) to approve the Agenda with the removal of Item E and Item H is in Maitland area, not Galena. Motion Carried.

Declaration of Conflicts of Interest: Fuller - Items R, S, & T and Stone-Item O.

### **FINAL PLAT for Northern Hills Industrial Park**

Lot 3 of Northern Hills Industrial Park in Section 16, T6N, R4E. Located off of Hwy 34 near Whitewood. Creates a new lot in an existing subdivision. Property is .914 acres and zoned C/LI- Commercial Light Industrial. Industrial Drive is the access to the property. The water system and well are in and in operation. This development does have some fire hydrants. Each lot will have an individual septic system. A fire plan was approved per the regulations at the time.

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

### **FINAL PLAT for Frawley Ranch East**

Lot 72 of Frawley Ranch East located in Section 18, T6N, R4E. Located off of Hwy 34 on Acorn Ridge Rd. Creates a new lot in an existing subdivision. The lot will be 2.077 acres and zoned A-1- General Agriculture.

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

### **FINAL PLAT for T Plot's Retreat LLC**

Lot 68R, Blk 2 of Tract C of Lost Camp Valley Acreage, Section 2, T4N, R2E. Located near Terry Peak. Replat of Lots 68 & 69 into 1 lot known as 68R. Lot is 1.318 acres and zoned SRD-Suburban Residential and will decrease density. This subdivision was created in the 60's as a very small lot. All existing lots are grandfathered with the small lot sizes as long as we have an engineered design for septic an individual septic system. The water system is in the Terry Trojan Water District. A fire plan was not required at the time this subdivision was created. Roads are a part of the Terry Peak Road District.

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

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

### **FINAL PLAT for Jeffrey Hohle & Johanna Meinhardt-Hohle**

Hohle Tract located in Section 13, T5N, R2E. Located off of Maitland/Ida Grey Road. Combining mineral survey lodes into 1 lot. Acreage is 15.078 ac. And zoned as PF- Park Forest. Jeff Hohle would like to combine the 2 mineral survey lodes into 1 lot. This will decrease density. The access to the property is through the Ida Grey Road District. This Tract would use an individual septic system and a

private well. There are no structures on the lot and no preliminary plat is needed.

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

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

### **PRELIMINARY & FINAL PLAT for Terry Nelson**

This property has access from Hwy 385 a SD State Highway as well as Brownsville Road and County Primary Road. Acreage is 16.416 acres and zoning is PF- Park Forest. and HSC - Highway Service Commercial. The property does have an existing septic system and well already on the property with 2 pole buildings. It has a lot of floodplain therefore will need special permitting for floodplain regulations.

Moved-Seconded (Stone-Schenk) motion to exempt Preliminary Plat. Motion Carried.

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

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

### **PRELIMINARY & FINAL PLAT for Wortman/Glader**

Lots W1, W2 and W3, Blk D in Section 18, T5N, R3E. Located off of Maitland Rd. Combing old town lots into W3 and subdividing the original Lot 1 into W1 & W2. Acreage for lots are W1 (.254 acres); W2 (.213 acres) and W3 (.0572 acres). It is zoned PF-Park Forest District. They have individual septic tanks plus a shared well. Access to the lots from is from Carbonate Lane. A fire plan is coming from Rob Mattox.

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

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

### **PRELIMINARY & FINAL PLAT for Jason & Mandi Scott/Thomas & Bobbie Schneller**

Preliminary & Final for Lots 13A and 26A of Spruce Mountain Estates No. 1 Sub. in Section 13 & 14, T6N, R4E. Located off of Whitewood Valley Road. They are creating a Lot line revision. Lot acreages are; Lot 26A (5.119 acres) and Lot 13A (8.989 acres). Zoning is PF-Park Forest District. Property is in Spruce Mtn Estates which is located off of a county road. Each lot has individual wells and individual septic systems. A Fire plan was not required in this subdivision. There is a section line through these lots, but it was vacated per doc # 2004-8217.

Moved-Seconded (Stone-Schenk) motion to exempt Preliminary Plat. Motion Carried.

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

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

### **FINAL PLAT for Matt Kirk**

Lot 11A and Lot 12A, Blk 9 of Tract A of Lost Camp Valley in Section 2 & 11, T4N, R2E. Located at Terry Peak. A Lot line revision between 2 lots. Acreages are: 11A (.530 acres) and 12A (0.528 acres). Zoning is SRD- Suburban Residential District. This subdivision was created in the 60's. All existing lots are grandfathered with the small lot sizes as long as we have an engineered design for septic on an individual septic system. It does have a public water system the Terry Trojan Water District. A fire plan was not required at the time this subdivision was created. Not all roads have been completed due to the

terrain, which is why Mr. Kirk is requesting the lot line change to have them run the opposite direction as the lots would have access to a completed road.

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

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

#### **FINAL PLAT for David Anderson**

Lot 13A part of Smokey Mt Ranch Sub in Section 28 & 33, T6N, R4E. Located off of Crook City Road. Combining Lot 13 & 14 into one lot. Acreage is 4.110 acres. Zoning is SRD-Suburban Residential District This subdivision was created in 2006 with a public road system; individual wells and septic systems. They have a fire plan as provided in the covenants recorded. This plat does not have any of the 100 PPM arsenic levels from the Whitewood Superfund Site.

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

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

Lot 20 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 a new lot in an already approved subdivision. Acreage of lot is 9.063 acres. It is zoned PF-Park Forest District. The preliminary plat was approved in 2005 with road profiles by Brad Ellis. This lot sits on Calendar Court and the current road needs to be cleaned up and re-graveled. Allan Bonnema, Lawrence County Highway Superintendent visited the site and he has stated in an email to planning and zoning that the cul-de-sac needs improvements. The owner plans to do this as soon as the weather allows. Schenk does not feel the plat should be approved until the road meets specs.

Moved-Seconded (Fuller-Schenk) motion to Deny Final Plat until roads and cul de sac is updated. Motion Carried.

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

Lots 4, 5, 6, and 11, 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. Acreages are Lot 4 (.869 acres); Lot 5 (.886 acres); Lot 6 (1.350 acres) Lot 11 (.765 acres) and Dedicated Public ROW (1.397 acres). Lots are zoned PUD- Planned Unit Development And PF-Park Forest District. This subdivision was created in 2011 under a PUD zoning. It has an overall Master Plan which included public roads; a public water system and a public sewer system. We have an existing bond in place to finish of the sewer system and there will be a new bond coming up in April in front of the County Commissioners to include the 2 areas needing completion of roads; sewer; water; infrastructure on the last 2 preliminary plats submitted last month. The lot layout matches the approved preliminary plat as submitted in 2018.

Moved-Seconded (Stone-Schenk) motion to approve Final Plat with condition that bonding takes place at the County Commission meeting April 10, 2018. Motion Carried.

#### **PRELIMINARY & FINAL PLAT for Ronald & Kathleen Doerr**

Preliminary & Final plat for Lot 26A, Blk 7 of Lost Camp Valley Acreage Sections 2 & 11, T4N, R2E. (legal shortened). Located off Buffalo Trail in Terry Peak Sub. Combining lots 26 & 27.

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

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

**RECESS**-Chairman Tysdal called a 10-minute recess from 2:00 pm to 2:10 pm

**PUBLIC HEARING-CUP # 444 for Kenny Gardner**

Request to apply for a Storage Units Conditional Use Permit on property described as Lot D of Sawpit Tract, being a portion of the Bingham Lode MS 1379 et al all located in Section 29, T5N, R3E. Located off of Hwy 85 on Cutting Mine Road. Amber Vogt, Lawrence County Planning and Zoning Director, informed the Board that Barrick Gold-Homestake Mining Co. sent an email to her in regard to the easement that the Gardners share with them. It stated that the easement will be updated once the foundations are in place.

Proponents: Kenny Gardner shared that he plans to have about 10 - storage units.

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Schenk-Fuller) motion to approve CUP #444 with attached conditions. Motion Carried.

**Public Hearing Set with County Commission: April 24, 2018, 9:00 AM.**

**PUBLIC HEARING-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. Vogt gave an overview of the request and told the Board of the letters that have been received concerning COZ #321. The property has one access of 20' and another of 40'.

**Proponents:** None.

**Opponents: Margie Ford, 12716 Nemo Rd.** explained that when she sold the property to Bruce Keller it was intended for residential use and she has a 20' easement with the applicants that is private and not for commercial access. The easement runs through her yard where she has children and animals playing. She also has concerns about the capacity of the septic that the applicants intend to install. **Nathan Chicoine of Gunderson, Palmer, Nelson & Ashmore, LLP, Representative for Dan Martin, 12751 Martin Rd, Nemo,** referenced the County Comprehensive Plan and stated that the Recreational Commercial Zoning is not compatible with the Plan because it is not keeping the area rural and sparse with large residential lots. He also went over the Zoning Ordinance for Recreation Commercial and pointed out how the intended plan that the applicant has does not fit the Nemo Area as his client sees. Chicoine said that Dan Martin did not intend this property to be used as a commercial area. The other properties in the area have Highway Service Commercial Zoning and the access is not sufficient for commercial use. **Trevor Ford 12720 Nemo Rd.,** also has an issue with the easement that also runs through his yard. He is concerned about liability in the easement and how the plan would decrease land values. **Susan O'Dea 12732 Troxel**

**St, Nemo**, informed the Board about traffic in the area now and her worries about an increase and sewage problems that may arise. She said there are children that play on the side road and she is worried for their safety. She would like to see Nemo have more traffic control before more businesses are opened. **Terry Schank, 12712 Nemo Rd.** Also mentioned the problem with the access to the property. **Joan Rech, 12758 Nemo Rd.**, has concerns with aesthetics and decrease of property values.

**Proponents: Patsy Hood, 12742 Nemo Rd.**, said that Nemo is a Recreational area now and that she supports the local businesses. She does not feel that the increase in visitors will be more disruptive than what is at present. Applicant **Traci Rambo, 12734 Nemo Rd**, stated that Nemo is indeed a recreational area. She addressed the issues raised by the opponents such as noise, easements and high traffic. She approached specific matters of contention that go on in Nemo at present, such as trash burning and motorcycle rally camping. She explained the access easement with Margie Ford has no restrictions according to judicial review. Applicant Bruce Keller stated that the septic system will be engineered to the proper specification needed for the plans they have for the property.

**Opponents: Cameron Zopp, 12686 Box Elder Forks Rd, Nemo** shared his concern about the access that is less than 40'. **Dominic Wolf, 22139 Cumnock Ln. Nemo**, has a concern about residents not following the procedure for development of Nemo. He also reminded the Board of its obligation to follow the Comprehensive Plan, stating that if this is goes through and the right attorney gets ahold of it there will be litigation. If that happens he feels that the taxpayers will have to pay for litigation. Mr. Wolf will not be a happy camper and suspects that there will be new Board members and new employees at the County because they are obligated to follow the Comprehensive Plan. **Margie Ford** clarified the use of her property during the summer and the business use of the garage that Trevor Ford owns. She stated that she sold the land for horse pasture and has a document with 60 signatures opposing this COZ. **Rodney Brakken, 12633 Caroline Pl. Nemo**, felt that the septic system engineering should be looked at by the Board before a decision is made. **Bonnie Atkinson 12708 Troxel St. Nemo**, has concerns about increased traffic on the main roads in Nemo. **Rick Krahn, 12643 Caroline Place, Nemo**, Stated that the zoning laws are in place to protect the people. He expressed his regard for the landowners that have retired there and put improvements on their property and should not have to deal with the changes that are taking place such as commercial zoning in Nemo.

**Proponents: Traci Rambo** requested to be given the chance to do something good for Nemo that is done within the correct procedures. **Bruce Keller** stated that the 40' access is sufficient for the traffic that they would have. It is now being used for Life Flight and Fire Emergency access. He shared that this access is used by the Mercantile currently and that he would be making any guests to his property will have to sign an agreement to control noise.

**Discussion:** The Board discussed the property access Vogt explained that there is no definition of commercial vs. private easements. Johnson stated that the 40' easement used for the Mercantile can be used for this plan. Outka mentioned that access from the main road may require turning lanes and updates to support this and that a COZ does not override an easement. The option for a CUP for this property was discussed. Johnson reminded the Board and the Public that a CUP can be pulled due to something that an applicant or a guest on the property does improper to the conditions of the CUP. There was an acknowledgment from the Board that ATV's have been a problem in Nemo. Vogt clarified that they are vehicles licensed for public roads. Johnson addressed the idea of having more law enforcement in Nemo for traffic and reminded that there is a monetary cost for more services ie. taxes. He also remarked that

some of the landowners of properties and businesses in the room contribute to the traffic problems that upset their neighbors. He also informed the room that the Commission is looking at funds to update the LC Comprehensive Plan in 2019. Vogt read the the current list of uses for the Nemo Area and considerations for COZ 's from Zoning Ordinance Chapter 17. Fuller noted that public input was not listed as a consideration. Outka clarified that the Board and the Commission does look at the overwhelming opposition to an application. Tysdal called up the fact that access easements are not a public issue but that a CUP might be a better option for the Kellers. Stone expressed her concern about the current access is not appropriate for RC zoning. Schenk explained how CUP's can be taken away through a complaint process and that some properties in Nemo have Grandfathered uses. He feels that the Nemo area is good for the RC zoning but the access to this particular property is a problem. Stone discussed how other campgrounds in the County have access of various sizes. The Board talked more about access Schenk said that he would like a way to control which access is used for the applicant plans. Moved-Seconded (Schenk-Johnson) motion to approve COZ # 321 based on conditions, with reservations about access used.

Discussion on the motion: Johnson said that the Kellers plan looks like a good plan for the property and the area yet even if COZ is granted the Kellers may not complete their plans for intended use. Schenk added that a CUP may be a better option for their intended use. Fuller suggested looking at the whole Nemo area and the resident's input in regard to plans for the area. Roll Call Vote: Nay: 5- Fuller, Tysdal, Johnson, Stone and Schenk. Motion Denied.

Moved-Seconded (Stone-Fuller) motion to Deny recommendation of COZ # 321 due to the intensity of use allowed in the RC District is greater than access can handle and it would add to already chaotic traffic conditions. Motion Carried.

**Public Hearing Set with County Commission: April 24, 2018, 9:15 AM.**

#### **INFORMATIONAL MEETING-COZ #322 for Terry & Linda Nelson**

Request to apply for a change of zoning from PF-Park Forest to HSC-Highway Service Commercial. The property has access from two main highways and an easement next to the Brownsville Fire Department. There is a large area of floodplain on the property. The applicant does not have any commercial plans at this time but has made many improvements since the property was purchased.

**Public Hearing Set with Planning and Zoning Board: May 3, 2018, 1:30 PM.**

#### **INTERPRETATION-David Wilson-Canyon Cab Co**

Request to allow a Taxi Cab Co with approx. 10 vehicles to be considered a Home Occupation on property located at 135 W. Hwy 14 in Spearfish along Old Hwy 14. Vogt briefed the Board that the Lot is in the process of a subdivision with The City of Spearfish. It is zoned SRD. Dave Wilson has an established cab company based out of Spearfish. It operates 24/7 and has 10-12 employees. He plans to park the Taxi Cabs behind the garage on the property. The Planning and Zoning Board agreed that this did not qualify as a Home Occupation per Ordinance Chapter 10 Article 3 due to having more employees than allowable. They recommend the applicant use the CUP process for his business.

#### **INFORMATIONAL MEETING-ORD 18-02 for David Wilson/Canyon Cab Co**

Request to apply for a text amendment to the SRD zoning district to allow a Taxi Cab Co as a Conditional



Use Permit as well as defining this term.

**Public Hearing Set with Planning and Zoning Board: May 3, 2018, 1:30 PM.**

**INFORMATIONAL MEETING-CUP # 445 for David Wilson/Canyon Cab Co**

Request to apply for a Taxi Cab Co CUP at 135 W Hwy 14 in Spearfish off of Old Hwy 14. The property is two acres and is zoned Suburban Residential District. Mr. Wilson Dave Wilson has an established cab company based out of Spearfish. It operates 24/7 and has 10-12 employees. Employees come to the site to pick up cabs and leave most of the day. There would be no customers coming to the property. He does not plan on signage. The existing residence would be used as a home and business office.

**Public Hearing Set with Planning and Zoning Board: May 3, 2018, 1:30 PM, pending Recording of the new plat with the City of Spearfish.**

**DISCUSSION ITEM-Review of setbacks to foundations**

The County Commission requested that the Planning and Zoning Office do research and give input on how counties and cities in the state measure from structures to setback lines for policy recommendation. Vogt told the Board here has been contractor confusion. She reported that most counties in the State measure setbacks from the outermost projection and cities measure from the foundation of the building. The Board discussed carports and enclosed building projections such as decks and bay windows.

Motion-Second (Fuller-Schenk) motion to recommend to measure to the foundation, covered porches do not count in that unless it becomes an enclosed porch. Motion Carried.

**Items from Planning & Zoning Board Members**

None.

**Opportunity for Public Comment**

None.

The meeting adjourned at 4:58 PM.

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

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

**LAWRENCE COUNTY PLANNING & ZONING BOARD**  
MINUTES OF MAY 3, 2018

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, May 3, 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, Tom Brady, Julie Stone and Travis Schenk.

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

Moved-Seconded (Schenk-Stone) to approve minutes of the April 5, 2018, meeting. Motion Carried.

Moved-Seconded (Stone-Schenk) to approve the Agenda with the adding Item D as an Exempt Plat Vote. Motion Carried.

Declaration of Conflicts of Interest: Fuller - Items I and J.

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

Lots 3 & 7, 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. Lot acreage is 1.350 for Lot 3 and .891 for Lot 7 and zoning is PUD-Planned Unit Development. The preliminary plat was approved in March of 2018 with road profiles and a few exceptions on cul-de-sacs from Ae2s Engineering. Infrastructure has been mostly completed and/or is included in the most recent bond also approved in April 2018.

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

**FINAL PLAT for Charlette & Vicki Callahan**

Lot 22A of Spruce MT #2 in Sections 24, T6N, R4E. (legal shortened). Located off of Jackson Road near Whitewood on Antler Road. Combining Lot 22 and Lot 19 into one lot. The new lot will be 10.569 acres and zoning is PF- Park Forest. All roads are in and this subdivision has individual wells and septic systems.

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

**FINAL PLAT for Andrew Sandford**

Lot PR in Elkhorn No 4; Spokane No 4 and Elkhorn No 5, M.S. 1914, Sections 13, T5N, R2E. (legal shortened). Located off of Ida Grey Road in Maitland. Combining Lot P-1 and P-2 into one lot. Acreage is 3.900 acres and zoning is PF- Park Forest.

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

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

**FINAL PLAT for Maitland Partners**

Lot 89 of Paradise Acres III, Sections 17-20, T5N, R3E. (legal shortened). Located off of Morningstar Road in Maitland. Creating a new lot which substantially matches the preliminary plat. Acreage is 8.530 acres and zoning is PF- Park Forest. The roads are in and each lot has an individual septic system with a public water system.

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

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

Lot 20 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 a new lot in an already approved subdivision. Acreage is 9.063 acres and zoning is PF- Park Forest. The preliminary plat was approved in 2005 with road profiles by Brad Ellis. Over the years development has slowed and some of the roads do not meet the specs at this time because of overgrowth. The main road in off of Two-Bit is Noble Grand and that portion of the road is ok. This lot sits on Calendar Court and the current road needs to be cleaned up and re-graveled. Both Amber Vogt, Planning and Zoning Director and Allan Bonnema, Lawrence County Highway Superintendent visited the site. Bonnema requested the following after his visit: *The cul-de-sac doesn't appear to have any gravel on it. It appears to be built wide enough but is completely overgrown. It needs to be re-graveled as well as the road running up to it.* After the review at the March meeting and the denial of this plat due to the road not being updated the developer did hire McDirt to bring in gravel and bring it back to a 24' driving surface with a 4" rock base. The P&Z office took pictures and had Steve Ryan, Foreman for the Highway Dept reviewed it. He was ok with the road. Moved-Seconded (Schenk-Stone) motion to approve Final Plat. Motion Carried.

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

Lot 21 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 a new lot in an already approved subdivision. Acreage is 4.339 acres and zoning is PF- Park Forest. The preliminary plat was approved in 2005 with road profiles by Brad Ellis. Over the years development has slowed and some of the roads do not meet the specs at this time because of overgrowth. The main road in off of Two-Bit is Noble Grand and that portion of the road is ok. This lot sits on Calendar Court and the current road needs to be cleaned up and re-graveled. Both Vogt and Bonnema, visited this site as well as Lot 20 and he had requested the following after his visit: *The cul-de-sac doesn't appear to have any gravel on it. It appears to be built wide enough but is completely overgrown. It needs to be re-graveled as well as the road running up to it.* After the review at the March meeting and the denial of this plat due to the road not being updated the developer did hire McDirt to bring in gravel and bring it back to a 24' driving surface with a 4" rock base. The P&Z office took pictures and had Steve Ryan, Foreman for the Highway Dept reviewed it. He was ok with the road.

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

### **PUBLIC HEARING-COZ #322 for Terry & Linda Nelson**

Request to apply for a change of zoning from PF-Park Forest to HSC-Highway Service Commercial on property known as Tract 2B in Section 25, T4N, R3E (legal shortened). Located at the corner of Hwy 385 & Brownsville Road. The applicant Terry & Linda Nelson have owned the two parcels for a few years and they have cleaned up much of the property by removing the carnival rides and updating the general aesthetics of the land. They do not have an overall plan for the property at this time but would like to look at it for future commercial business. They are proposing to go from a partial PF/HSC zoning district to all HSC-Highway Service Commercial District. The acreage now consists of 16.416 acres as the 2 parcels were combined into one piece at the April 5, 2018 P & Z Meeting and April 10, 2018, County Commission Meeting. The property immediately adjacent to these parcels are Boondocks and the Brownsville Volunteer Fire Department. It sits at the intersection of Nemo Road, Brownsville Road and

Hwy 385. A portion of this property was previously owned by someone else and in 2006 that person did a change of zoning request on the 10-acre parcel and it was denied, but at that time the plan was to create an amusement park; parking lot and concert venue. The Comprehensive Plan has no specific recommendation for this area, but it does call for commercial development to occur along main arterial roads. The staff has concerns about access, floodplain development, future development plans.

**Proponents:** Terry Nelson, the applicant informed the Board that he put in an approved culvert and approach to the property off of Brownsville Rd

**Opponents:** Gene Ruff- 12225 Nemo Rd, partial owner of adjoining property. He has concerns that HSC zoning going farther up the valley would end up turning the entire valley into a commercial area and causing highway congestion. He mentioned the Hwy 385/Brownsville Rd/ Nemo Rd intersection is already congested and feels this would add more congestion. He said that without a development plan some, business may going in and decrease the value of his property. He prefers it remains PF zoning and that a CUP be an option for the applicant. Dennis Anderson- 21583 Tuura Ln, is also a partial owner of the adjoining property is concerned that some of his neighbors were not fully informed about the Public Hearing and did not attend. He would like to keep the area a rural setting.

**Proponents:** Terry Nelson addressed the topic of notices that he sent out to the neighboring property owners. He said that he received an acknowledgment from almost all of them.

**Opponents:** Gene Ruff expressed concern that ATV congestion is getting worse and if an ATV business should go in there, it would be more congested for the roads.

**Discussion:** Johnson stated that if zoning is changed the future of the property is uncertain with certain plans for use. Fuller asked if a CUP would be a better option. Brady feels that capital improvements would not be done on the property under a CUP. Schenk asked if a COZ could be issued to a portion of the property. Tysdal recommended that the east half of the property be changed to HSC and to leave the rest as PF. It would give room for development but Mr. Nelson still needs a development plan. Brady questioned whether the easement access next to the fire dept is for commercial use? Gullickson was concerned with the fact that they do not know what the development plan will be. After a discussion about recommendation Stone requested that an exhibit of the surveyed zone line be added to the COZ.

Moved-Seconded (Schenk-Fuller) motion to change the Eastern portion of the property to HSC by taking the midpoint of the south boundary line and draw a perpendicular line to the north and everything in the easterly direction would be HSC and everything to the west would be PF and that the line be surveyed if the County Commission approves the COZ. Roll Call Vote: Aye: 4-Schenk, Stone, Brady, and Tysdal; Nay 3-Fuller, Johnson, and Gullickson. Motion Carried.

**Public Hearing Set with County Commission: May 22, 2018. 9:00 AM.**

### **PUBLIC HEARING-ORD 18-02 for David Wilson/Canyon Cab Co**

Request to apply for a text amendment to the SRD zoning district to allow a Taxi Cab Co as a Conditional Use Permit as well as defining this term. These changes would affect any portion of property zoned as listed above. This specific terminology (Taxi Cab Co.) is not an option in the conditional uses for these requested zoning districts and the applicant would like to have the option if another property is purchased for the business.

**Proponents:** None.

**Opponents:** None.

**Proponents:** None.

**Opponents:** None.

Moved-Seconded (Brady-Stone) Motion to approve ORD 18-02.

Roll Call Vote: Aye: 5-Schenk, Stone, Brady, Tysdal, Johnson, a; Nay 1-Gullickson; Fuller abstained.  
Motion Carried.

**Public Hearing Set with County Commission: May 22, 2018, 9:15 AM.**

**PUBLIC HEARING-CUP # 445 for David Wilson/Canyon Cab Co**

Request to apply for a Taxi Cab Co CUP at 135 W Hwy 14 in Spearfish off of Old Hwy 14. Lot 2 of Hoffman Subdivision formerly Tract B-2 of Tract B of Lot 7 of Govt Lot 1 and A portion of Lot 8 of Govt Lot 1, located in Govt Lot, in Section 4, T6N, R2E as per plat doc # 2018-1704. The owner of the parcel in question is Joann J Hoffman Trustee, but the applicant for the CUP is the purchaser David Wilson, dba Canyon Cab Co. This CUP would be under consideration after Ordinance Amendment 18-02 is in effect. Property is currently zoned SRD-Suburban Residential District and is 2.012 acres. The applicant understands that if that ordinance amendment is not approved then this application is void. The property in question has been re-platted according to the City of Spearfish 3 Mile Platting regulations and was approved and recorded. The property has a lot of floodplain on it and will need to be reviewed and approved by the City of Spearfish as it is in their jurisdiction for the floodplain. The existing residence and garages on the property will remain and at this time he is not requesting any new structures. He would like to park the taxis at the back of the lot near the older garage. The surrounding properties are a mix of Commercial Crow Peak Brewing Co; gas station; campground etc and residential uses. This area is a growth area for the City of Spearfish/Lawrence County. The staff reminds that a 1)site plan will need to be approved at the time of a building permit being issued as it will need to meet setback; all FEMA Floodplain Regulations and offer a designated parking plan for the storage of the vehicles. 2)building Permits would be issued by the City of Spearfish. 3)access to the parcel and parking of the excess vehicles.

**Proponents:** Applicant David Wilson stated that he has been running a cab company since 2009 in the City of Spearfish. He explained how his business works and the daily traffic and noise associated.

**Opponents:** Jo Conda Dana, 160 W Hwy 14, Spearfish the neighbor across the road had questions about the impact of the future growth of the business and what happens if he sells it? Vogt explained that the business has to stay the same to have a CUP on this property. If the land sells then the Seller may or may not transfer the CUP with the property the County Commission would have to approve transfer.

**Proponents:** Mr. Wilson explained how employee parking will work at this site to provide for minimal disturbance.

**Opponents:** None.

Discussion: The Board reflected on all the conditions associated with this requested and asked the applicant were mechanical services would be taking place. Mr.Wilson said that he takes his vehicles to a local shop. Johnson suggested that a condition is put in place for the employee and cab parking on premises. Brady suggested that no unlicensed or dismantled vehicle on site be added as a condition and

may that are in this condition be garaged. Stone suggested a privacy fence be added. Vogt shared that the County Highway dept did not approve a new approach for the ingress-egress that Mr. Wilson preferred, so he will have to use the access that is currently there.

Moved-Seconded (Brady-Stone) motion to approve CUP #445 with conditions revised as follows: ~~#9- One sign shall be allowed on site to advertise the approved business according to the Lawrence County Sign Regulations, #13-~~ revised to, all parking and loading activities comply with LC Zoning Ordinance and occur on the south ½ of the subject property, ~~#18-~~all vehicles shall be in operating order and currently licensed or must be garaged, ~~#19~~ a 6 ft tall privacy fence be built on the East boundary the length of are used for parking. Roll Call Vote: Aye: 5-Schenk, Stone, Brady, Tysdal, and Johnson, Nay 1-Gullickson; Fuller abstained. Motion Carried.

**Public Hearing Set with County Commission: May 22, 2018, 9:15 AM.**

**INFORMATIONAL MEETING-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 explained that the applicant would like to use the old barn on the property for events such as weddings and dances. The access is good and there is plenty of room for parking. Bruce Outka asked if there will bands outside and suggested that Mr. Kindzerski contact the neighboring road district about road maintenance.

**Public Hearing Set with Planning and Zoning: June 7, 2018, 1:30 PM.**

**Items from Planning & Zoning Board Members**

Schenk asked about an update on the Perkins Rd Road District. Vogt said that the neighbors to the Wharf Mine with property off of that road have until October to respond.

**Opportunity for Public Comment**

None.

The meeting adjourned at 3 PM.

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

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