

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF FEBRUARY 4, 2021
REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, February 4, 2021, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD. During the pendency of the Coronavirus pandemic, remote public participation at meetings is being facilitated using GoToMeeting.

Present: Kelly Fuller, Rick Tysdal, Amy Allen, Mike Whalen, Bob Ewing, Julie Stone and Travis Schenk

Absent: None.

Moved-Seconded (Ewing- Whalen) to approve the minutes of the Regular Meeting for January 7, 2021, meeting. Motion Carried.

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

Conflicts: Stone- G.

FINAL PLAT - Frawley Ranches Inc.

Lot 70 of Frawley Ranch East, all located Section 7 and 18, T6N, R3E (legal shortened)
VICINITY LOCATION: Valley View Circle *SUMMARY:* New lots-matches preliminary
ZONING: A-1 *ACREAGE:* Lot 70 (2.452 acres) *PARCEL ID:* 22650-00604-000-03.

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

FINAL - Frawley Ranches Inc

Lot 14 of Frawley Ranch East, all located Section 7 and 18, T6N, R4E (legal shortened)
VICINITY LOCATION: Ridgfield Loop *SUMMARY:* New lots-matches preliminary
ZONING: A-1 *ACREAGE:* Lot 14 (6.966 acres) *PARCEL ID:* 22000-00604-073-10.

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

FINAL - Two Bit LLC

Lot 36 & 37 of Golden Hills, Section 30 & 31, T5N, R4E (Legal shortened) *VICINITY LOCATION:* Two Bit *SUMMARY:* New Lot *ZONING:* PF *ACREAGE:* Lot 36 (2.123 acres) and Lot 37 (2.138 acres) *PARCEL ID:* 26680-01707-000-10.

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

FINAL - Maitland Partners LLC

Lot 13 of Paradise Acres in Section 18, T5N, R3E. (Legal shortened) *VICINITY LOCATION:* Maitland Road *SUMMARY:* New lot *ZONING:* PF *ACREAGE:* Lot 13(2.581 acres) *PARCEL ID:* 26680-01678-000-10

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

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FINAL-Maitland Partners, LLC

Lot 42, 53, 61 of Paradise Acres II in Section 8. 17. 18, T5N, R3E. (Legal shortened)

VICINITY LOCATION: Maitland Road *SUMMARY:* New lots *ZONING:* PF *ACREAGE:* Lot 42 (5.222 acres); Lot 53 (2.112 acres); Lot 61 (4.344 acres) *PARCEL ID:* 26683-01678-000-00.

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

PRELIMINARY PLAT - BH Development, LLC

Lots 1-8, Blk 3; Lots 1-17, Blk 4; Lots 1-5, Blk 5; Lots 1-10, Blk 6; Lots 1-2, Blk 7; Lots 1-11, Blk 8 of Trailside Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) *VICINITY LOCATION:* Hwy 85 *SUMMARY:* New lots-Phase 2 *ZONING:* PUD *PARCEL ID:* 26450-00200-000-70. Road exceptions are consistent with the previous phases at 40' instead of the 66' ROW's.

Moved-Seconded (Ewing- Whalen) motion to approve the Exceptions for Design Standards. Motion Carried with Stone not voting.

Moved-Seconded (Whalen-Fuller) motion to approve the Preliminary Plat. Motion Carried with Stone not voting.

PUBLIC HEARING: COZ #338

Hartland Enterprises, LLC *LEGAL DESCRIPTION:* SW 1/2 NE 1/4 of Section 21, T6N, R3E *VICINITY LOCATION:* Colorado Blvd *SUMMARY:* COZ request from A-1 to PUD: *ACREAGE:* 80 +/- acres *PARCEL ID:* 21000-00603-211-11.

PROPOSERS: Applicant Scott Gerber shared a video showing drone images of the property. He stated that his Development Plan with 5 acre lots includes a community area with a ride/roping arena. They plan to preserve the properties wetland areas, making many topographical limits for building on the proposed lots. He addressed the staff concerns about the comprehensive plan and preserving open spaces and building affordable housing. He believes the design holds true to these things.

OPPONENTS: Jayna Watson, Planner for the City of Spearfish, discussed the letter representing the City Council and the issue of buffers around urban and suburban areas needing to be higher density lots. The City has a concern about access.

PROPOSERS: Gerber addressed the City response and is working on access for lots closed to Colorado Blvd. Septic is different because the applicants would like to avoid using a pumping system.

OPPONENTS: None.

The Board discussed with Watson the current sewer pump system in the area. They

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also discussed the advantages and disadvantages of city annexation. Tysdal stated that the size of the lots in the plan does serve as a buffer to the surrounding A-1 zoning. Vogt mentioned that the applicant would have to work closely with the City on the Development Plats, which would be the next step if the Change of Zoning passes. Gerber explained that these lots only show one phase of the development. He has been working with the City on the parts that are annexed already. He said there would be higher density residential and commercial retail on those lots.

Moved-Seconded (Whalen-Stone) motion to Approve the COZ # 338 per Lawrence County Zoning Ordinance, Chapter 17. Motion Carried.

CC Public Hearing Set March 9, 2021@9:00 am

PUBLIC HEARING: COZ #339

Larry Roth & Brian Hadrick & Laura Baase LEGAL DESCRIPTION: Big Dipper 1A, 2A, 3, 4 & 5 and Govt Lot 1 all of M.S. 1209 of Section 24, T4N, R2E VICINITY LOCATION: Hey 85 SUMMARY: COZ request from PF/SRD to PUD ZONING: PF/SRD/RC ACREAGE: 49.57 acres PARCEL ID: 26500-01209-000-52 and 26500-01209-000-51 and 26500-01209-000-50. Vogt informed that the property comprises five M.S. Lodes and is adjacent to the Mystic Miner PUD.

PROPOSERS: The applicant, Brian Hadrick, pointed out property uses, such as Rec Springs, up and down the highway. He stated that he would not be allowing loud campers and feels that the access and placement will limit noise. He said he could put up a fence to keep campers out of the residential areas behind the property. Rentals of ATV/UTV will end at 5 PM, helping to alleviate noise in the evenings. He can control his renters, but not those who bring their own equipment into the area.

OPPONENTS: Oz Enderby, 21375 Mule Deer Dr., representing the Deer Mtn Sanitary District, Road District and a member of the Lead Fire District, addressed ATV/UTV use and trespassing onto private property. As well as sharing that access to this site is dangerous on the highway. He mentioned all of the troubles with septic and water in the area. He does not think that the water and septic will serve a campground at that location. He told the Board that the fire district is maxed out right now and that a campground with so many sites will be very hard to manage. The following people all voiced concerns similar to the above mentioned: Joe Kosel, 11201 Juniper Ct (submitted a letter and was present in the room); Gerald Aberle, 11171 Alpine Circle, mainly concerned with ATV/UTV/Snowmobile usage and water; Shari Kosel, 11201 Juniper Ct (submitted a letter and was present online); Mary Jones, 11203 Juniper Court (submitted a letter and was present online)

PROPOSERS: Hadrick explained that he would be tracking the vehicles he will be renting out and holding the renters accountable. He shared that the SD DOT has addressed the access issues for their requirements and the closest well to the property

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is 1900' away. He plans to store water on-site and use constant pressure to supply required access. He said that the septic would be engineered as required.

OPPONENTS: Aberle explained that he has dug 300 holes on his property looking for geothermal water and has had no success.

Joe Kosel feels that the recreational use of this COZ will detrimentally affect the surrounding residential zoning, like his property.

Dave Green, 11200 Juniper Ct, said that it is hard to find anyone that supports this type of land use in the area.

Shari Kosel said that too many accidents happen on the highway in that area which this COZ may add more.

Outka asked if Mr. Hadrick has experience with campground development. Hadrick confirmed. Allen and Fuller find capacity problematic and are concerned about safe access to trails. Schenk reminded that ATV/UTV usage does not affect the zoning. He said water and septic are not the County's issues; they are the owner's responsibility.

Moved-Seconded (Fuller-Allen) motion to Deny the COZ # 338 because it does not meet the conditions of adjacent land use, safety & noise issues, and public services per Lawrence County Zoning Ordinance, Chapter 17. Roll call vote: Aye:6- Fuller, Tysdal, Allen, Whalen, Ewing, Stone; Nay: 1-Schenk. Motion Carried.

CC Public Hearing Set March 9, 2021@ 9:15 am

INFORMATIONAL MEETING - CUP # 462

CBH Coop and Mike and Annalisa Anderson *LEGAL DESCRIPTION:* Lot 3 S/D of Tract G of HES 54 & Tract 0165 SE 1/4 SE 1/4 of Section 30, T4N, R3E. *VICINITY LOCATION:* Hwy 385 *SUMMARY:* Request for a propane storage facility *ZONING:* PF *ACREAGE:* Lot 3 is 4.605 acres *PARCEL ID:* 13000-00403-250-10. Vogt indicated that this property is in the Boondocks area. The Ordinance Amendment 20-02 in January was to add this use to this property's current zoning.

PZ PUBLIC HEARING Set March 4, 2021@ 1:30 p.m.

INFORMATIONAL MEETING - COZ # 340

Ronald Wick/Troy & Wiladine Saye/Nemo Guest Ranch Business Enterprises LLC *LEGAL DESCRIPTION:* Lot 1, 2, & 3 of Nemo Guest Ranch Subdivision a sub of Tract 4-T of Nemo Placer M.S. 1368 located in Section 27, T3N, R5E. *VICINITY LOCATION:* Nemo *SUMMARY:* The applicant is requesting a COZ from GC-General Commercial & SRD-Suburban Residential to all RC-Recreation Commercial for the Nemo Guest Ranch *ZONING:* GC/SRD *ACREAGE:* 17.74 acres *PARCEL ID:* 26580-01368-000-90. Vogt explained the requirements needed to bring this property and business use into compliance with the County and add 14 sites for campers. The lot has five wells. Not all

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are in use. They have added an electric fence to help with traffic. Their State Campground License is up to date. She said that if they want to do more later, they will have to do a development plan to request it. Susan O’Dea, a neighbor to the applicants, shared that she thinks the campground is too big now and is run over with ATV/UTV’s to be in a residential area.

Onsite set March 3, 2021@9 a.m.

PZ PUBLIC HEARING Set March 4, 2021@ 1:30 p.m.

ITEMS FROM PLANNING & ZONING BOARD -

Tysdal asked why we stopped doing corridor studies with the City of Spearfish and would like to see those continue.

OPPORTUNITY FOR PUBLIC COMMENT

None.

The meeting adjourned at 3:45 PM.

APPROVED: _____

Date: _____

Rick Tysdal, CHAIR

ATTEST: _____

Date: _____

Kelly Fuller, SECRETARY