

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF: March 2, 2023, REGULAR MEETING

PENDING BUSINESS:

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, March 2, 2023, at 1:30 P.M.

Present: Kelly Fuller, Rick Tysdal, Bob Ewing, Mike Whalen, Timm Comer, TJ Ewing, and Travis Schenk.

Absent: None.

Moved-Seconded (Schenk- B Ewing) to approve the Regular Meeting Minutes for February 2, 2023 meeting. Motion Carried.

Moved-Seconded (Comer/Schenk) to approve the Agenda removing Item 2 per the applicant. Motion Carried.

Conflicts: None.

AGENDA ITEMS:

PUBLIC HEARING: COZ #358 OWNER/APPLICANT: Spearfish Mt Ranch/DeMersseman, Jensen, Tellinghuisen & Huffman LLP **LEGAL DESCRIPTION:** Township 6 North, Range 4 East of the Black Hills Meridian, Lawrence County, South Dakota: Section 17: S1/2SW1/4, EXCEPTING therefrom highway right of way conveyed to State of South Dakota, as set forth in Warranty Deed recorded January 24, 1942, in Book 280, Page 187, and also EXCEPTING therefrom Lot H1 of the S1/2SW1/4, as shown on the plat filed in Plat Book 5, Page 4. Section 17: That portion of the SE1/4 lying south of Lots H2 and H3 (a/k/a I-90 right of way) of the SE1/4, as shown on the plat filed in Plat Book 5, Page 5, and also EXCEPTING therefrom railroad right of way as conveyed in Book 79, Page 114, and also EXCEPTING therefrom highway right of way conveyed to Lawrence County, as set forth Quit Claim Deed recorded in Book 273, Page 59, and also EXCEPTING therefrom highway right of way conveyed to State of South Dakota, as set forth in Warranty Deed recorded in Book 280, Page 240. **VICINITY LOCATION:** Adjacent to I-90 near Whitewood, but accessed from Oak Drive **SUMMARY:** Rezone from A-1 to SRD to subdivide **ZONING:** A-1 **ACREAGE:** 100.6 acres **PARCEL ID:** 22000-00604-174-30 and 22000-0060-173-10. Vogt stated that the COZ would provide for development with 2-acre lots with septic systems, but the water service would be from Whitewood.

Proponents: Roger Tellinghuisen was present to answer questions. He informed the Board there are two road agreements. One is signed, and the other is drafted. There will be, at most, 32 lots.

Opponents: Randy Edwards, 12014 Oak Dr, had questions about any changing of lot lines to the north of his property. Dan Graff, 20226 Ponderosa Dr, asked about water services. Steve Satterlee, 10211 Oak Dr., questioned the increased traffic on Oak Dr. Vogt reminded that Oak drive used to be an old State Hwy, and it was intended for heavy traffic. No other comments were made, and the Chairman closed the Public Hearing.

Moved-Seconded (B Ewing- Whalen) motion to Approve COZ#358 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

(CC PH and 1st Reading Scheduled for March 28, 2023, at 9:15 am)

PUBLIC HEARING: ORD 22-04 OWNER/APPLICANT: Lawrence County Planning & Zoning **LEGAL DESCRIPTION/LOCATION:** Lawrence County, SD as a whole **SUMMARY:** Proposed Zoning Ordinance Revisions **ZONING:** all areas. Vogt reviewed the summary of changes. No public comments were given, and the Chairman closed the public hearing.

Moved-Seconded (Comer- Schenk) motion to Approve ORD 22-04 per Lawrence County Zoning Ordinance. Motion Carried.

(CC PH and 1st Reading Scheduled for March 28, 2023, at 9:30 am)

☰ ORD 22-04 Zoning Ordinance Revisions (2/2/2023)

INFORMATIONAL MEETING: COZ #359 OWNER/APPLICANT: David Elsom

LEGAL DESCRIPTION: Tract B of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T6N, R2E. **VICINITY LOCATION:** Tinton Rd **SUMMARY:** Rezone from A-2 to PF to subdivide **ZONING:** A-2 to PF to create a lot for his daughter **ACREAGE:** 8.00 acres **PARCEL ID:** 20000-00602-174-40. Vogt explained the issue with the COZ not being of a low enough density to plat the proposed smaller lot. There must be 10 acres to subdivide for park forest zoning, and this property has only 8 acres. Mr. Elsom did not attend the meeting. The Board recommends including the surrounding lots in the request, and then there will be more acreage to subdivide according to the Ordinance.

(PZ PH Scheduled for April 6, 2023, at 1:30 pm)

INFORMATIONAL MEETING: COZ #360 OWNER/APPLICANT: Daniel & Mark Backens

LEGAL DESCRIPTION: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ less and except lots H-1 and A and N $\frac{1}{2}$ SE $\frac{1}{4}$ less and except Lots H-1, A, B, C & D and parcel 1 Revised, 2A & 2B of Section 32, T7N, R2E.

VICINITY LOCATION: Westview Dr. **SUMMARY:** Rezone from A-1 to A-2 to break down for family ownership **ZONING:** A-1 **ACREAGE:** 86.24 acres **PARCEL ID:** 24000-00702-322-40. Mark Backens was present for questions. He explained that he and his brother wanted to subdivide an 18 acres piece with a house, give that to one brother, and give the rest of the land to the other brother. To discontinue joint tenancy.

(PZ PH Scheduled for April 6, 2023, at 1:30 pm)

RECOMMENDATION MEETING: VAR #206 OWNER/APPLICANT: Miles Cooper CT Partners

LLC LEGAL DESCRIPTION: Lot 11B of Block 1 of Apple Springs of Section 14, T5N, R4E **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** 3.4' variance to a 10' west side setback **ZONING:** SRD **ACREAGE:** .21 acres **PARCEL ID:** 18010-00100-110-20. Vogt informed the Board that the applicant also owns the surrounding lots.

Moved-Seconded (Schenk-TJ Ewing) motion to Deny VAR #206 because it does not meet the ordinance considerations per Lawrence County Zoning Ordinance Ch #17. Motion Carried.

(CC PH Scheduled for March 14, 2023, at 9:15 am)

PLATS:

LAYOUT PLAN: APPLICANT: Bourbon Valley LLC **LEGAL DESCRIPTION:** Proposed Lots 1-6 of Tract B of HES 491; formerly USFS Small Tract 0190, located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23; the SW $\frac{1}{4}$ SW 1.4 of Section 24, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T3N R3E.

VICINITY LOCATION: US Hwy 385/Rocky Johnson Rd **SUMMARY:** Creating new subdivision **ZONING:** PF **PARCEL ID:** 08000-00303-260-00. The Board decided that an access easement is needed for Lot 6, and they should look to vacate the section lines.

LAYOUT PLAN: APPLICANT: Whitewood Creek Ranch LLC/Branden and Abby Landphere **LEGAL DESCRIPTION:** Proposed Lot A of Stagecoach Overlook Subdivision NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, T6N, R4E. **VICINITY LOCATION:** Whitewood Valley Rd **SUMMARY:** Creating a 10-acre lot to keep residence out of LLC **ZONING:** PF **PARCEL ID:** 22000-00604-104-20.

LAYOUT PLAN: APPLICANT: Whitewood Creek Ranch LLC/Will John and Kylee Johnson **LEGAL DESCRIPTION:** Proposed Lot 1R of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, T6N, R4E. **VICINITY LOCATION:** Whitewood Valley Rd Crackerjack Rd **SUMMARY:** Replatting an existing lot to make it bigger and keep residence out of LLC **ZONING:** PF **PARCEL ID:** 22000-00604-113-10 and 22000-00604-113-20.

PRELIMINARY PLAT: APPLICANT: Kimberly & Michael Loeffen and Quam Family Properties LLC
LEGAL DESCRIPTION: Plat of Tract 2A and Tract 4 located in Section 5, T4N, R3E (legal shortened).
VICINITY LOCATION: Hwy 14A & 85 SUMMARY: Moving lot lines ZONING: SRD PARCEL ID:
13000-00403-054-20 and 13000-00403-050-12.

Moved-Seconded (Fuller-Schenk) motion to approve the Plat as Exempt. Motion Carried.

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

PRELIMINARY & FINAL PLAT: APPLICANT: White Buffalo Properties LEGAL DESCRIPTION:
Lots 6A and 7A of HES 537. Formerly Lots 6 and 7 of HES 537, Located in Section 2, T3N, R4E.
VICINITY LOCATION: Nemo Road SUMMARY: Moving lot lines ZONING: PF PARCEL ID:
09000-00304-020-32.

Moved-Seconded (Whalen-Schenk) motion to approve the Plat as Exempt. Motion Carried.

Moved-Seconded (B Ewing-Comer) motion to approve the Preliminary Plat. Motion Carried.

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

PRELIMINARY PLAT: APPLICANT: William Rossow LEGAL DESCRIPTION: Lot 1 of Lemmel
Subdivision, located in the W ½ SW ¼ SE ¼ of Section 14, T6N, R4E. VICINITY LOCATION: Jackson
Rd/ Whitewood SUMMARY: New lot ZONING: PF PARCEL ID: 22000-00604-144-30.

The surveyor Mr. Vasknets was present and informed the Board that the owner decided to wait and
subdivide the rest of his property, so a new preliminary plat and a final plat will be submitted later.

FINAL PLAT: APPLICANT: BH Properties LLC LEGAL DESCRIPTION: Lot 13 Blk 5 of Auburn
Acres being a sub of a portion of Tract 2 of Powder House Pass located in Section 18, 17, 19, 20 and
T4N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: Creating new lots ZONING: PUD PARCEL
ID: 26450-00200-000-00.

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

PRELIMINARY & FINAL PLAT: APPLICANT: Michael Schulte and Brian Pengra LEGAL
DESCRIPTION: Lot 63R & 64R of Tract K of Paradise Acres II, formerly Lot 63 and Lot 64 of Tract K
of Paradise Acres II, Section 18, 7, 8, 17, T5N, R3E. VICINITY LOCATION: Maitland Rd SUMMARY:
Moving lot lines ZONING: PF PARCEL ID: 26683-01678-000-00; 26683-01678-630-00;
26683-01678-640-00.

Moved-Seconded (TJ Ewing-B Ewing) motion to approve the Plat as Exempt. Motion Carried.

Moved-Seconded (Fuller-B Ewing) motion to approve the Preliminary Plat. Motion Carried.

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

PRELIMINARY & FINAL PLAT: APPLICANT: Jesse & Jillian Peterson LEGAL DESCRIPTION:
Lots A, B and C of Two Bit Ranches Estates, Section 30, T5N, R4E. VICINITY LOCATION: Two Bit Rd
SUMMARY: subdivision ZONING: PF PARCEL ID: 18185-00504-150-00.

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

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

FINAL PLAT: APPLICANT: Maitland Partners LLC LEGAL DESCRIPTION: Lots 101 and 104 of
Paradise Acres IV located in Section 13, T5N, R2E and Section 7, and 8, T5N, R3E. VICINITY
LOCATION: Maitland Rd SUMMARY: New lots ZONING: PF PARCEL ID: 26686-01678-000-00.

Moved-Seconded (Whalen-Schenk) motion to approve the Final Plat. Motion Carried. Comer abstained.

DISCUSSION ITEM: ORD 23-01 Subdivision Ordinance Revisions

Vogt reviewed the items that the Subdivision committee has reviewed. There was discussion on the
questions and comments brought forth. Vogt will set up another discussion for the next P&Z meeting.

ITEMS FROM PLANNING & ZONING BOARD MEMBERS:

Outka presented a legal newsletter that discussed the topic of considerations when the P&Z Board votes on items with public hearings. Vogt reviewed and explained the considerations the board must use to make decisions when motioning and voting.

PUBLIC COMMENT: None.

SET DATE AND TIME FOR NEXT MEETING: April 6, 2023, at 1:30 p.m

ADJOURN: 2:54 PM