

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF SEPTEMBER 5, 2019

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, September 5, 2019, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Daryl Johnson, Tom Brady & Travis Schenk.

Absent: Julie Stone, Scott Gullickson

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

Moved-Seconded Schenk-Fuller) to approve the minutes of August 1, 2019, meeting. Motion Carried.

Moved-Seconded (Brady-Schenk) to approve the Agenda removing item B and hearing item F before G . Motion Carried.

Declaration of Conflicts of Interest: None.

FINAL PLAT Northern Hills Industrial Park LLC c/o Wells Fargo Bank Trust

Lot 6 of Northern Hills Industrial Park, all located in the NW ¼ SE ¼ of Section 16, T6N, R4E.

LOCATION: Whitewood Area **SUMMARY:** new lot **ZONING:** C/LI **ACREAGE:** Lot 6 (.946 ac)

PARCEL ID: 22600-00604-161-25

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

PRELIMINARY/FINAL PLAT Chad Michael Michaels LLC/Vincit Veritas LLC

Lots 25A and 26A, Block 9 of Tract A of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos 1119, 1139, 1205, 1310, 1341, 2044, 2050 & 2066, all lying in Sections 2

& 11 of T4N, R2E.**LOCATION:** Terry Peak **SUMMARY:** Movement of lot lines **ZONING:** SRD

ACREAGE: 25A (.384 acres) and 26A (.389 acres) **PARCEL ID:** 26920-00001-009-25 &

26920-00001-009-26

Moved-Seconded (Brady-Schenk) motion to Exempt Plat from Fire Plan. Motion Carried.

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

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

PRELIMINARY/FINAL PLAT David and Ellen Gross

Lot 34A of Paradise Acres, Section 18, T5N, R3E. **LOCATION:** Maitland Rd **SUMMARY:** Combination of Lots 33 & 34 **ZONING:** PF **ACREAGE:** 34A (5.050 acres) **PARCEL ID:** 26682-01678-330-00 & 26682-01678-340-00

Moved-Seconded (Fuller-Schenk) motion to Exempt Plat from Fire Plan. Motion Carried.

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

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

PRELIMINARY/FINAL PLAT Homestake Mining Co

Lot D-1 of Yates Sub, being a portion of Tract D of Yates Sub and a portion of Lot 3 of Grizzly Gulch Tract and dedicated Public ROW and Utility Easement Section 34, T4N, R3E and Section 3, T4N, R3E. **LOCATION:** Hwy 385/Grizzly Gulch **SUMMARY:** Replat of Lots **ZONING:** PF **ACREAGE:** D-1(130-909 acres) **PARCEL ID:** 31910-00400-000-00 & 26030-00000-030-00

Moved-Seconded (Brady-Schenk) motion to Exempt Plat from Fire Plan. Motion Carried.

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

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

PRELIMINARY/FINAL PLAT Homestake Mining Co/ Keller

Keller Tract, being a portion of Lot 3 of Grizzly Gulch Tract, Section 34, T4N, R3E and Section 3, T4N, R3E and Sections 2 & 3 T4N, R3E. (legal shortened) **LOCATION:** Hwy 385/Grizzly Gulch **SUMMARY:** Combing an old Lot A with a portion of the Grizzly Gulch Tract for selling purposes. **ZONING:** PF **ACREAGE:** Keller Tract (54.048 acres) **PARCEL ID:** 26680-01618-000-10 and 26030-00000-030-00

Moved-Seconded (Brady-Schenk) motion to Exempt Plat from Fire Plan. Motion Carried.

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

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

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PRELIMINARY/FINAL PLAT Sam Namminga, Trustee

Lot 60A, formerly Lots 59 & 60 of Elkridge Sub; M.S. 1447 Quincy Lode, Section 32 & 33 T4N, R4E. **LOCATION:** Nemo Rd **SUMMARY:**Combination of Lots 59 & 60 **ZONING:** PF **ACREAGE:** 60A (10.07 acres) **PARCEL ID:** 26630-01477-000-60 & 26630-01477-000-59

Moved-Seconded (Brady-Schenk)motion to Exempt Plat from Fire Plan. Motion Carried.

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

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

Due to arrival of Applicants Public Hearing for COZ #332 was heard before Public Hearing for CUP #452.

PUBLIC HEARING Change of Zoning #332 -Blue Star Trust

NW ¼ NW ¼ of Section 29, T6N, R3E. **PARCEL ID:** 21000-00603-292-15 **LOCATION:** McDermott Rd off of Maitland Rd **SUMMARY:** The applicant is requesting a COZ from A-1 General Agriculture to RR-Rural Residential **ACREAGE:** 40 acres

Proponents: None

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Brady-Schenk) motion to approve the recommendation of COZ #332 per Ordinance Chapter 17. Motion Carried.

Public hearing set with the County Commission for September 24, 2019, 9:30 AM

PUBLIC HEARING Conditional Use Permit #452 -Whitewood Valley Properties LLC

S ½ NE ¼ - W ½ NW ¼ NE ¼ - W ½ E ½ NW ¼ NE ¼ - W ½ E ½ E ½ NW ¼ NE ¼ - W ½ E ½ E ½ E ½ NW ¼ NE ¼ Section 14, T7N, R4E **PARCEL ID:** 25000-00704-11-00;

LOCATION: Whitewood Area **SUMMARY:** Applicant is requesting to operate a Restricted Use Site **ACREAGE:** 117.50 acres Amber Vogt, Lawrence County Planning and Zoning Administrator, Reviewed some of the rules that the Dept. of Environment and Natural

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Resources have in place for a restricted use site. Obtaining a CUP from the County is one of them.

Proponents: Applicant Tanner Johnson summarized his plan for the site.

Opponents: Dave Wilson, PO Box 67, Sturgis, a neighbor that farms the property on the N and NE sides of the proposed site objects to the site. He stated that he is worried about property values going down with this kind of business near his property. He also is concerned about the roads and traffic to the site. The road may need improvements. He asked about load restrictions. Ken Aker, PO Box 961, Sturgis, also opposed to the site; had questions about CUP reviews. He learned that there is an annual review of all CUP's. He questioned about a performance bond for the CUP and truck restrictions. The Board told him that they could be added conditions.

Proponents: The applicant explained the recycling part of the business and how they will separate recyclables from debris that will be buried. He also discussed the planned truck traffic and weight limits. The business will be mostly for his dumpster service and he will be limiting outside haulers to the site.

Opponents: Mr. Aker voiced his concern about property values dropping due to the location of the site. Mr. Wilson said that many neighbors are opposed to this business near their property.

Vogt stated for the record that she is related to Mr. Aker.

Board discussion: Tysdal asked audience member Jeff Garret, someone that lives near a rubble site, if he lives with any significant problems from the site. Mr. Garret said no. Fuller asked if there will be burning on the site and the extent of a secondary business of selling recyclable materials? Mr. Johnson said there would be no burning and he plans to sell usable building materials but not from the site location. Schenk asked about the size and location of the pit. The applicant stated that there would be no more than 5- acres at a time that will be covered every day and reclaimed after use. Brady asked about the depth of the pit. Turner said it would be 15 -20 ft deep. Comm. Johnson noted that property values in the County do not seem to go down in Ag zoned land. He said the distance of this site to the surrounding properties should not be a problem. Brady asked about the number of trucks estimated daily on the road? Mr. Johnson stated that 7 - 10 vehicles a day would use the road and there will be no night operations. Vogt said that there could be a condition placed on the CUP. The County Highway Dept. must sign

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off on the haul road and the County Commission will look at the issue of bonding. The applicant referred to the SD State regulation on stored topsoil and erosion control and how he plans to comply. -Conditions to be added to the CUP: A haul road agreement in place prior to the operation opening, performance bond, no more than 5-acres disturbed at a time, owner usage only, and M-F operation with occasional Saturdays.

Moved-Seconded (Brady-Schenk) motion to approve as stated and amended the CUP #452 application per Ordinance Ch.19. Motion Carried.

Public hearing set with County Commission for September 24, 2019, 9:15 AM

INFORMATIONAL MEETING ~ Conditional Use Permit #432-19-Frontgate Holdings LLC
Tract G2 of Johnson Sub, formerly Trac G, being a portion of Johnson Sub, located in E ½ SE ¼ of Section 28, and the SW ¼ of Section 27, all in T7N, R2E **LOCATION:** Hwy 85 **SUMMARY:** Applicant is requesting to expand storage units and RV storage into the 2nd phase at Frontgate Storage **ACREAGE:** 15.57 acres **PARCEL ID:** 24040-00702-070-00. Applicant Jeff Garret informed the Board that he is planning to expand his storage facility operation.

Public hearing set with Planning & Zoning for October 3, 2019, 1:30 PM

INFORMATIONAL MEETING Change of Zoning #333 -Carlen & Janet Mattison
NW ¼ NE ¼ of Section 31, T7N, R2E **LOCATION:** W Hwy 14 /Caballo Dr. **SUMMARY:** The applicant is requesting a COZ from A-1 General Agriculture to A-2 Residential Agriculture to be allowed to put in 4 lots at 10 acres each **ACREAGE:** 40 acres . **PARCEL ID:** 24000-00702-311-00 Brady and Tysdal noted that the request fits the plan for the area and do not see any issues with the application.

Public hearing set with Planning & Zoning for October 3, 2019, 1:30 PM

DISCUSSION MEETING -Lawrence County Comprehensive Plan -Update with Black Hills Council of Local Government. Ali Demersman showed the Board what a public meeting would

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look like and there was a discussion about advertisements in the newspapers. Vogt stated that she had some issues with options for ads. Johnson consulted with Comm. Sleep in the audience said that she should go ahead with the available options. Public meetings and stakeholder meeting schedules are on the website. There will be meetings in Whitewood, Deadwood, Spearfish, and Nemo. www.lawrencecountycomplpan.com

ITEMS FROM PLANNING & ZONING BOARD

None.

OPPORTUNITY FOR PUBLIC COMMENT

None.

The meeting adjourned at 3:02 PM.

APPROVED: _____ Date: _____

Rick Tysdal, CHAIR

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY