

**LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF: September 7, 2023, REGULAR MEETING**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Vice Chairman Travis Schenk on September 7, 2023, at 1:30 P.M.

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

Absent: Rick Tysdal (Chairman) and Bob Ewing

Moved-Seconded (TEwing - Comer) to approve the Regular Meeting Minutes for the August 1, 2023 meeting. Motion Carried.

Moved-Seconded (TEwing - Fuller) to approve the Agenda. Motion Carried.

Conflicts: None.

APPLICATIONS:

INFORMATIONAL MEETING ~ CUP #488 OWNER/APPLICANT: JCJ, LLC **LEGAL**

DESCRIPTION: Part of Lot 4 and Lot 1A of Tract A1A of Majestic Heights located in Section 24, T5N, R3E. **VICINITY LOCATION:** Hwy 14A/Boulder Canyon **SUMMARY:** Campground **ZONING:** HSC/PF **PARCEL ID:** 26280-00166-000-30 and 26046-00503-010-00 **ACREAGE:** 16.26 acres

Owner is present to answer any questions.

Vogt stated this property is outside of Deadwood located in Boulder Canyon, and has a portion zoned HSC. The land owners would like to put in a campground. The plan is to replat the property into one lot. The landowners have provided a summary and a site plan with one big building and the camping sites around it. Jeff Messmer stated that they have been in constant contact with the DOT and they are working together on access.

Public hearing scheduled for October 5, 2023.

PLATS:

LAYOUT PLAN ~ APPLICANT: High Ridge Rentals LLC/Scott German **LEGAL DESCRIPTION:** Proposed Lots 1, 2, 3, 4, & 5 a Subdivision of the S1/2N1/2NE1/4SW1/4 & S1/2NE1/4SW1/4 of Section 15, T5N, R4E, B.H.M. Lawrence County, South Dakota **VICINITY LOCATION:** SD Hwy 14A **SUMMARY:** Subdividing 30 acres into 5 parcels - FP required **ZONING:** PF **PARCEL ID:** 18000-00504-153-00

Vogt stated the property is located in Boulder Canyon near the Three Sisters S/D, they are requesting to subdivide into 5 lots. Vogt is concerned with a 40' driveway width accessing more than 2 lots. Schenk agreed it should be 66' easement and requires a fire plan to be submitted.

LAYOUT PLAN ~ APPLICANT: Tomahawk Country Club & Sawyer Memorial % John Arleth **LEGAL DESCRIPTION:** Tomahawk Tract, Formerly a Part of HES 66 and HES 57 of Section 19 and the Norwood, Norwood No 1, 2, 3 (Shortened legal) **VICINITY LOCATION:** SD Hwy 385 **SUMMARY:** Adjust property lines for building set back - FP Exempt **ZONING:** PF **PARCEL ID:** 14000-00404-300-50

Vogt stated we have been working with Tomahawk previously on this plat regarding some structure issues and a lot line running through one of their buildings. It appears that this plat will bring the property into compliance with those structures and their setbacks.

FINAL PLAT ~ APPLICANT: Lance & Peggy Hubbard **LEGAL DESCRIPTION:** Plat of WBI Utility Tract located in N ½ of the NE ¼ Section 17, T6N, R4E. **VICINITY LOCATION:** Hwy 34 **SUMMARY:** Increasing the size of a utility tract - FP Exempt **ZONING:** A-1 **PARCEL ID:** 22000-00604-171-20 and 22000-00604-171-25

Vogt stated this is an MDU property they are platting in order to make the utility tract bigger. This plat matches the preliminary plat exactly which was previously approved.

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: 4 Bears In The Hills LLC **LEGAL DESCRIPTION:** Cottage Tracts 1 and 2, and 66' Wide ROW, Falling Waters Drive in Block 18 of Apple Springs Sub, Consisting of Portions of Apple Springs Tract and Outlot A of the Apple Springs Sub NE1/4 NW1/4 Lying N of Hwy 14A ROW of S14, T5N, R4E, BHM (legal shortened) **VICINITY LOCATION:** SD Hwy 14A **SUMMARY:** Plat a portion of the remainder of the Apple Springs for construction - FP in place **ZONING:** SRD **PARCEL ID:** 18010-00000-000-00

The original Apple Springs PUD intent was to do some small cabin-like cottages toward the back toward the old barn. They would now like to move those to the front near the water wheel. It wouldn't change the original intent, just the location. They are replatting into 2 separate tracts and putting the road in between those two tracts.

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Michelle & Heather Essink **LEGAL DESCRIPTION:** Tract B2-1 and B2-2 of Tract B2, Formerly Tract B2, a sub of Lulu and Atlantis Lodes of M.S. 1611 located in the NW ¼ Section 22, T4N, R3E. **VICINITY LOCATION:** Yellow Creek Road **SUMMARY:** Lot line revision - FP Submitted, FP Mitigation Completed **ZONING:** PF **PARCEL ID:** 26680-01611-000-17

Vogt stated larger tracts were previously approved last month between Homestake Mining Co. and Essink, now the Essink portion is requesting to subdivide in half, which meets density requirements. It is off of Yellow Creek and John Bey has approved access. The Fire plan will be completed on the B2-1 it is almost done on B2-2, there will be some burning left when the conditions allow. A building permit could be approved on B2-1, but not B2-2 at this time due to the fire plan not being completed.

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Irene M. Wehner **LEGAL DESCRIPTION:** Lots 1-4 of Wehner Subdivision Being a subdivision of Tract 1, Located in the W1/2NW1/4 of Section 34, T6N, R4E, BHM (legal shortened) **VICINITY LOCATION:** Crook Mountain Rd **SUMMARY:** Subdividing 75 acres into 4 plats - FP Submitted, Mitigation w/BP **ZONING:** PF **PARCEL ID:** 22000-00604-344-20
Vogt stated this plat has been through a couple of times now, it is off of Crook Mtn Rd. which is not County maintained. As part of that, in the original layout plan they did not show access back to lot 1, they have since added a 66' private access and utility easement which would. That was the only concern previously. They have not completed the fire plan at this time.

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

Moved-Seconded (TEwing - Fuller) motion to deny the Final Plat until the fire plan is completed. Motion carried.

PRELIMINARY & FINAL PLAT ~ APPLICANT: Mark and Kurt Rantapaa and Cleo Listman **LEGAL DESCRIPTION:** Lots 1, 2, and 3 of Lot R-1 of HES 246, Section 20 and 21, T3N, R4E. (legal shortened) **VICINITY LOCATION:** Hwy 385 **SUMMARY:** Breaking up land for family members - FP submitted/no work to complete **ZONING:** PF **PARCEL ID:** 09000-00304-210-31

Cleo Listman was present by phone.

Vogt stated the homeowners did move the lot lines to ensure that the structures meet current setbacks. There is a shed that doesn't meet the setbacks, but the intention is to tear it down in the future, as it is dilapidated. There was also concern with access to Lot 1, therefore they are keeping a 40' wide private access. They have not vacated the section line which conflicts with a driveway. There was discussion of requesting a vacation of the section line as it goes through a building. Overall it meets the intent. No fire plan is needed.

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Troy Schultes **LEGAL DESCRIPTION:** Lot 10 of Ray Placer M.S. 1208 (legal shortened) **VICINITY LOCATION:** SD Hwy 14A **SUMMARY:** Plat a new lot - FP Exempt **ZONING:** PF **PARCEL ID:** 26500-01208-000-00

Owner or surveyor were not present to answer questions.

Vogt stated at this point we aren't sure we should even discuss as the landowner and the surveyor are not here, nonetheless, this is a .481 acre property that was never platted. It was previously owned by Jon and Barb Mattson-remained around an old subdivision and this is a leftover piece. There was discussion about a year ago regarding selling this remainder of the Ray Placer Lode, at that time it was discussed it may not be considered a pre-existing lot of record.

It does not meet density requirements and the ROW would be minimal due to the size of the property.

Moved-Seconded (TEwing - Comer) to deny both the Preliminary and Final Plat due to the questions related to a building right. Motion Carried.

PRELIMINARY & FINAL PLAT ~ APPLICANT: Shaun Brautigam **LEGAL DESCRIPTION:** Plat of Lot 2 Revised and Lot 3 Revised of Brighter Day Subdivision, formerly Lots 2 and 3 of Brighter day Subdivision, Being a Subdivision of Tract A (legal shortened) **VICINITY LOCATION:** Two Bit Rd **SUMMARY:** Reconfigure lot lines - FP Exempt **ZONING:** PF **PARCEL ID:** 26681-01566-020-00 & 26681-01566-030-00

Vogt stated Brautigam purchased these 2 lots, there was a pole building that was later turned into a residence without a permit by the previous owner. There was a neighboring pole building that he initially wanted to make a guesthouse. All of the structures will sit on Lot 3R and Lot 2R will be an empty lot.

Adjusting lot lines to include the garage.

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

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: BH Development **LEGAL DESCRIPTION:** Block 13 of Trailside Addition (legal shortened) **VICINITY LOCATION:** Rochford Rd **SUMMARY:** Added Block- FP in place **ZONING:** PF **PARCEL ID:** 26450-00200-000-00

Vogt stated this is where the old County pit used to sit off of Rochford Rd. They would like to plat it as Blk 13. Staff is unsure of the intention at this time. There is an established access point from an existing easement from 2005.

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Nemo Mountain Cottages, Bruce Keller, & Traci Rambo **LEGAL DESCRIPTION:** Lots G1, N1, 4-1, 5-1, 6B-1 and 40' Private Access and Utility Easement of the Subdivision of the Nemo Placer, M.S. 1368 (legal shortened) **VICINITY LOCATION:** Nemo Rd **SUMMARY:** Lot line adjustments-FP exempt **ZONING:** PF & SRD **PARCEL ID:** 26580-01368-010-60, 40, 58 & 26580-01368-000-58, 40, 35

Vogt stated this is a lot line adjustment between the parcels, they will not be increasing density, and they will be cleaning up the easement and legal descriptions.

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

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

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

FINAL PLAT ~ APPLICANT: KR Deer Mt Club 2021 LLC **LEGAL DESCRIPTION:** Lots 10-30, 32-67, and 75-100 of Blk A, and 66' Private Access and Utility Easement in Block A-1, Deer Mt Village, including portions of Hanify, all of Foster, Gamba, Addie, Eva, and Lovisa, Portions of One Time, Havana, Jupiter, Deer Mountain, Evarts, Fairview, World's Fair, Bangor, Monte Carlo, St. George, Bryan, Doze, Palmetto, Deadwood Lodes of MS, all located in Section 13, T4N, R2E, BHM (Legal Shortened) **VICINITY LOCATION:** Deer Mountain/Terry Summit Rd **SUMMARY:** From prior lot revision - FP in place **ZONING:** PUD **PARCEL ID:** 26505-01356-001-00

Vogt stated the Revised Preliminary was approved last month, this is the final version of that. There are revisions with the road. Mr. Comer had requested more detail on the proposed septic system plan as he had some concern on having so many in one concentrated area. Vogt stated the individual tanks had been previously approved with emphasis that where possible joint drain fields should be utilized. The landowner was present and took note of concerns and stated he would work with Terrasite Design to create a more detailed layout of the shared system. Vogt wanted to ensure the landowner is aware that if there are shared drain fields there would need to be easements in place for that before a permit is issued. Comer, Whalen and Schenk all stated there are creative ways to offer some more sustainable options for gray water usage.

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

ITEMS FROM PLANNING & ZONING BOARD MEMBERS: Whalen brought up his concern with the process of weed enforcements and information being given out to developers. Vogt stated that her office added the weed board information and state law to the building permit applications quite some time ago as well as requesting packets from Dave Heck as needed to be handed out with subdivision proposals and new builds. Plus it had been discussed at some length and the County Commission opted to keep the process in place and have Dave Heck deal with the individuals, not the Planning & Zoning staff. Vogt also stated that Dave Heck has the ability to review any plat on each monthly agenda, which has contact information for the owners on it.

OPPORTUNITY FOR PUBLIC COMMENT: Anyone wishing to have their views heard on matters is urged to attend a meeting and voice concerns. There will be a 2-minute time limit per person to talk unless otherwise approved by the board.

SET DATE AND TIME FOR NEXT MEETING: Thursday, October 5, 2023 at 1:30 p.m.

ADJOURN @ 2:42 PM

APPROVED: _____ Date: _____

Rick Tysdal, CHAIRMAN

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY