

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF OCTOBER 3, 2019

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Acting Chairman-Vice Chairman, Tom Brady on Thursday, October 3, 2019, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Richard Sleep, Tom Brady, Travis Schenk, Julie Stone, & Scott Gullickson

Absent: Rick Tysdal

Tom Brady was appointed acting Chairman for the meeting due to Rick Tysdal's absence.

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

Moved-Seconded(Stone-Schenk) to approve the minutes of September 5, 2019, meeting.

Motion Carried.

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

Declaration of Conflicts of Interest: Fuller-Item E.

Final Plat- Corey & Carissa Allan

Tract 2A and Tract 2B, a sub of Tract 2 of the NE ¼ of Section 10, T6N, R4E. **VICINITY**

LOCATION: Whitewood Valley Rd **SUMMARY:** Subdivision of lot approved in May 2019 with Fire Plan implemented **ZONING:** PF **ACREAGE:** Trac 2A (6.925 acres) and Tract 2B (9.903 acres) **PARCEL ID:** 22000-00604-101-20. The plat was continued at the May 2019 meeting requiring a fire plan submittal. That has been received and the plat is again before the P&Z Board.

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

Preliminary/Final Plat- Clarence & Vicki Koski

Lot 1R, Blk 4, a replat of Lots 1 & 2 of Blk 4 of Whitewood Forrest Addition #2 of Section 20, T6N, R4E. **VICINITY LOCATION:** Whitewood **SUMMARY:** Combination of Lots 1 & 2 **ZONING:** SRD **ACREAGE:** Lot 1R (3.27 acres) **PARCEL ID:** 22710-00604-004-02.

Moved-Seconded (Stone-Gullickson) motion to Exempt Plat from Fire Plan. Motion Carried.

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

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

Preliminary/Final Plat- 4 Bears in the Hills LLC and Larry Cottier

Lot 10A-1, Blk 1 and Lot 8A-1, Blk 6 of Apple Springs Subdivision Section 14, T5N, R4E. (Legal Shortened) **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Combination of Lots-decreasing density **ZONING:** SRD **ACREAGE:** 18A-1 (.50 acres) and 8A-1 (.44 acres) **PARCEL ID:** 18010-00100-180-10; 18010-00100-180-00; 18010-00600-080-00; and 18010-00600-080-10.

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

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

Preliminary/Final Plat- City of Deadwood

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Tracts 1, 2 & 3; being a sub of the Detroit Lode, M.S. 771, the Terminus Lode, M.S. 772, the Depot Lode M.S. 773 and the Uncle Tom Lode, M.S. 774; excepting therefrom Highway ROW; located in the NE ¼, SE ¼, SW ¼ and NW ¼ of Section 5, T4N, R3E. **VICINITY LOCATION:** Hwy 85/Nevada Gulch **SUMMARY:** Creation of lots to transfer **ZONING:** PF/SRD **ACREAGE:** Tract 2 (7.388 acres); Tract 3 (1.272 acres); Tract 1 (22.555 acres) **PARCEL ID:** 26340-00774-000-00 and 26340-00771-000-00 and 26340-00772-000-00 and 26340-00773-000-00. Vogt shared that the property is being subdivided due to a settlement in a court case between the people that have trailers on a piece of the property and the City of Deadwood. The Board discussed the need for a fire plan for this plat. Vogt stated that it is decreasing density by making 4 Mineral surveys into 3 Tracts. Tract 3 does not meet the zoning ordinance but that piece has been a part of the mineral surveys being set into tracts. Representatives from the City of Deadwood shared that the new Hwy Plats have been recorded with the Register of Deeds office.

Moved-Seconded (Stone-Sleep) motion to Exempt Plat from Fire Plan. Motion Carried.

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

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

Preliminary/Final Plat- Donald Kelley

Tracts 1 & 2, being a sub of HES No. 102, all located in the NE ¼ and NW ¼ of Section 9 and the SW ¼ and NW ¼ of Section 10, T2N, R5E. **VICINITY LOCATION:** Nemo Rd/Merritt Estes Rd **SUMMARY:** Creating 2 lots **ZONING:** PF **ACREAGE:** Tract 1 (6.47 acres) & Tract 2 (52.16 Acres) **PARCEL ID:** 05000-00205-100-00. Vogt shared that each new lot will have a residence on it although, one is not occupied.

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

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

Final Plat- Two Bit LLC & Donald Hander

Dedicated Public ROW and Utility Easement (Alix Circle) of Golden Hills Sub, being a sub of Tract A in Sections 25 and 36, T5N, R3E and Sections 30 and 31 T5N, R4E. **VICINITY LOCATION:** Two Bit **SUMMARY:** Creation of the Public ROW **ZONING:** PF **ACREAGE:** .756 acres **PARCEL ID:** 26680-01707-000-10. Platting is for access to lots off of the main road. There has been a request to vacate the section line that runs through the area. Alix Circle provides access from the main road to the easement if the Section line is vacated. There was a discussion that there is no need to vote on a fire plan exemption because the overall subdivision has a fire plan.

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

Preliminary/Final Plat- Mary Ann Eddy Trust

Tracts E3 and E4 a subdivision of Anaconda No 22, M.S. 1881, located in Sections 25 and 36, T4N, R3E. **VICINITY LOCATION:** Brownsville **SUMMARY:** Subdivision of the Anaconda Lode **ZONING:** PF **ACREAGE:** Tract E3 (9.674 acres) and Tract E4 (9.674 acres) **PARCEL ID:** 26760-01881-000-10. Richard Eddy provided a personal letter of the fire plan. Staff asked the

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Board to decide if this letter is sufficient as a fire plan for the County.

Moved/Seconded (Schenk-Stone) Motion to approve Preliminary Plat. Motion Carried
Moved-Seconded (Stone-Schenk) motion to approve the Final Plat contingent upon a letter from a person with proper credentials to Certify the Fire Plan. Motion Carried.

Preliminary/Final Plat- Dale & Beverly Richardson

Lot 1A, Blk 1 formerly Lots 1 & 2, Blk 1 Town of St Onge located in the S ½ of Section 23, T7N, R3E. **VICINITY LOCATION:** St Onge **SUMMARY:** combination of lots in order to build a garage **ZONING:** SRD **ACREAGE:** Lot 1A (.321 acres) **PARCEL ID:** 28800-00100-020-00

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

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

PUBLIC HEARING Conditional Use Permit #432-19 Frontgate Holdings LLC

Tract G2 of Johnson Sub, formerly Tract 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 **PARCEL ID:** 24040-00702-070-00 **VICINITY 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. Vogt said that there have been no complaints submitted on the original CUP.

Proponents: None

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Stone-Gullickson) motion to approve the recommendation of Amendment CUP #432-19 per Ordinance Chapter 19. Motion Carried.

Public Hearing before County Commission Scheduled: October 22, 2019 @ 9:15 am

PUBLIC HEARING Change of Zoning #333 Carlen & Janet Mattison

NW ¼ NE ¼ of Section 31, T7N, R2E. **PARCEL ID:** 24000-00702-311-00 **VICINITY 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. Platting would be done by the City of Spearfish

Proponents: None

Opponents: None

Proponents: None

Opponents: None

Moved-Seconded (Stone-Gullickson) motion to approve a the COZ #333 application per Ordinance Ch.17. Roll Call Vote: Aye: 4- Gullickson, Brady, Stone, Schenk; Nay: 2-Fuller, Sleep. Motion Carried.

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Public Hearing before County Commission 1st Reading Scheduled: October 22, 2019 @ 9:30 am

RECOMMENDATION MEETING Variance #178 Gregg & Sarah Dittman

Lot L in the SE ¼ SE ¼ of Section 20, T7N, R2E PARCEL ID: 24000-00702-204-00 VICINITY LOCATION: Old Belle Rd SUMMARY: Applicant is requesting a 13' variance to the 25' rear setback in order to bring an existing garage built with no building permit into compliance ACREAGE: 11.92 acres. The applicant told the Board that he took bad advice from a contractor and placed the new building on the old foundation, not realizing he did not meet setback requirements for his lot. Brady noted it is important to follow the rules and that the adverse effects of this are on the neighbor and an easement would be good to confirm with the record that there is not an objection.

Moved-Seconded (Schenk-Stone) motion to Deny the VAR #178 request because it does not meet the considerations of Ordinance Ch.16. Roll Call Vote: Aye:5- Fuller, Gullickson, Brady, Stone, Schenk; Nay:1-Sleep. Motion Carried.

Public Hearing Scheduled before Board of Adjustment: October 22, 2019 @ 9:00 am

DISCUSSION MEETING -Lawrence County Comprehensive Plan -Update from Vogt that the 10 Public meetings scheduled will be concluded tonight in Nemo. She estimates that about 700 surveys have been submitted. She noted that open spaces have been a big topic at the meetings and the citizens that have attended have been relatively diverse. She gave a rundown of the advertising that has gone out to the public since the last meeting. The next steps will be an update of the community profile and then the presentation of that to the public in mid-January. Brady recognized Vogt for the exceptional job of getting the advertisements out to the public since the last meeting. For more information: www.lawrencecountycomplpan.com

ITEMS FROM PLANNING & ZONING BOARD

Stone indicated that she has been getting requests for information about mining in Spearfish Canyon. Vogt said that there has been no application submitted to the Planning and Zoning Office.

OPPORTUNITY FOR PUBLIC COMMENT

None.

The meeting adjourned at 2:40 PM.

APPROVED: _____ Date: _____

Rick Tysdal, CHAIR

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY