

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF MARCH 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 (Whalen-Ewing) to approve the minutes of the Regular Meeting for February 4, 2021, meeting. Motion Carried.

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

Conflicts: Whalen disclosed that he helped with the layout plan and paperwork with no compensation for Item M. The Board agreed to allow him to vote on the item.

LAYOUT PLAN - Barefoot Resort/Mike Ryan

A portion of the driveway TBD VICINITY LOCATION: Terry Peak SUMMARY: Request to plat a non-compliant lot for transfer purposes ZONING: SRD ACREAGE: TBD PARCEL ID: TBD. The proposed lot does not meet the zoning requirements. There would be no building rights on the lot. The owner is doing a layout plan due to the expense of surveying the entire area.

LAYOUT PLAN - DRD Enterprises LLC

Lots 1 - 4 a sub of Emery No 4 Lode, M.S. 1856 and a dedicated Public Access and Utility Easement all located Section 1 and 12, T4N, R2E (legal shortened) VICINITY LOCATION: Aventure Estates/Terry Peak Summit SUMMARY: New lot layout ZONING: PF ACREAGE: Lot 1 (2.516); Lot 2 (2.583); Lot 3 (2.662); Lot 4 (12.851) PARCEL ID: 26760-01856-000-00. This plan is for four lots. The owner's plan to make the road private access and a fire plan will be submitted. Allan Bonnema, County Highway Superintendent, was present to address concerns with the grade and safety of the road plan. He said that Terry Peak Rd was not intended for higher traffic, such as a housing development. He said the project is doable, but he would like to see guardrails put up. The engineer Allen Schreier was present to explain the road construction. Vogt noted that there will have to be exceptions for the grade and length of the road. The owners would have to request to make it a private road. Whalen asked if the road can be sloped toward the inside for safety at the high grades. Schreier said he will consider that as he designs the road. Outka explained that if they plan to do a Road District, it will change a platted private road to the public.

LAYOUT PLAN - Bill Pearson

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Lots 1 - 5 of Cabin Springs Estates, Including Portions of the SE1/4NW1/4 and NE1/4NW1/4 of Section 20, T5N, 4 VICINITY LOCATION: Boulder Canyon SUMMARY: Proposal for new subdivision ZONING: PF ACREAGE: TBD PARCEL ID: TBD. The plan is for four new lots of 2 acres each in the Pillar Peak S/D. Mr. Pearson said that they would be extending the road and adopting the existing HOA. He stated that he wants to restrict the new lots not to allow Airbnb-type rentals. They have decided to go from 5 lots to 4 lots. A fire plan is being put together. Vogt said the road would be finished before they plat lots.

FINAL - Frawley Ranches Inc

Lots 32, 35 and K of Frawley Ranch East, all located Section 7 and 18, T6N, R3E (legal shortened) VICINITY LOCATION: Ridgefield Loop SUMMARY: New lots-matches preliminary ZONING: A-1 ACREAGE: Lot 32 (2.603 acres); Lot 35 (2.525 acres); Lot K (.462 acres) PARCEL ID: 22650-00604-000-02.

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

FINAL - Frawley Ranches Inc

Lots 67 & 68 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 67 (2.217 acres); Lot 68 (1.997 acres) PARCEL ID: 22650-00604-000-03.

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

PRELIMINARY & FINAL - David Winter

Lots 2B-2G, a portion of Lot 2 of Tract A1A Majestic Heights and a 40' private access easement located Section 13, 23, 24, 25 of T5N, R3E (legal shortened) VICINITY LOCATION: Valley View Circle SUMMARY: New lots-matches preliminary ZONING: A-1 ACREAGE: Lot 67 (2.217 acres); Lot 68 (1.997 acres) PARCEL ID: 26046-00503-020-00.

Moved-Seconded (Schenk-Whalen) motion to approve the Preliminary Plat with the condition that fire plan is completed.

Moved-Seconded (Schenk-Whalen) motion to approve the Final Plat with the condition that fire plan is completed and no building permits issued on untreated lots.

Roll call vote: Aye:6-Tysdal, Allen, Whalen, Ewing, Stone, Schenk; Nay: 1-Fuller.
Motion Carried.

FINAL - Maitland Partners, LLC

Lot 65 of Paradise Acres II in Section 17, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot ZONING: PF ACREAGE: Lot 65 (3.461 acres) PARCEL ID: 26683-01678-000-00.

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

PRELIMINARY & FINAL - Michael & Cynthia Lick

Tracts C1 & C2 of Tract C, a sub of Lot 2, located in the SE 1/4 of Section 24, T5N, R3E. (Legal

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shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF ACREAGE: Tract C1 (2.068 acres) PARCEL ID: 17000-00503-240-35. The new lot has enough space to build and meet setbacks for the zone. A fire plan has been submitted with no required work.

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

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

PRELIMINARY & FINAL - Brownsville Fire Dept/ Dennis & Michael Anderson & Rebecca & Kristi Ruff / Christopher & Carla Mumm
Plat of Tracts A-1, C-1 and F-1, of a portion of East Lode M.S. 1302 and HES 54, located in Section 25, T4N, R3E and Section 30, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Tract A-1 .721 ac; Tract C-1 1.419 ac and Tract F-1 15.723 ac ZONING: PF & HSC PARCEL ID: 13000-00403-250-30; 13000-00403-250-15; 13000-00403-250-31; 26580-01302-000-10.

Moved-Seconded (Stone-Fuller) motion to approve the Plat Exempt from fire plan. Motion Carried.

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

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

PUBLIC HEARING: CUP # 462 - CBH Coop and Mike and Annalisa Anderson
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 described the requested use that smaller trucks would fill up at this tank and make propane deliveries; she also mentioned that it is next to the Brownsville Fire Dept.

PROPONENTS: The landowner Mike Anderson explained that the tanks location would be near the dam on his property.

OPPONENTS: None.

PROPONENTS: None.

OPPONENTS: None.

Moved-Seconded (Whalen-Schenk) motion to Approve the CUP #462 with conditions 1,3,5,7-15 per Lawrence County Zoning Ordinance, Chapter 19. Motion Carried.

CC Public Hearing Set March 23, 2021@9:30 am

PUBLIC HEARING: COZ # 340 - Ronald Wick/Troy & Wiladine Saye/Nemo Guest Ranch Business Enterprises LLC

Lots 1, 2, & 3 of Nemo Guest Ranch Subdivision a sub of Tract 4-T of Nemo Placer M.S. 1368

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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 reported the following letters received: Proponents: Paul & Katherine Lehnkuhl; Brian and Joan Rech; William and Laurie Schumacher; David Graff; Kathy Stygles; Katherin Lamie and Mathew Busch; Chuck and Connie Gray and Opponent: Dan Martin and Shelly Ford

PROPOSERS: Tracy Keller, 12736 Nemo Rd and Jan Kaberna, 12776 Nemo Rd both, stated support for the zoning change
Kathrine Lamie, 12718 Troxell St, Nemo, mentioned that her letter states her support and concern.

OPPOSERS: Susan O’Dea, 12732 Troxell St, is against the change of zoning and explained that the historic distinction of Nemo has turned into a big campground. She said that the campers leave barking dogs tied up all day and then return and are loud all night. She added that Troxell St is not wide enough for the big campers that come into the Guest Ranch. Tona Hand, 12751 Martin Rd, Nemo, is opposed to the zoning change because the traffic in the area tears up Martin Rd and the landowners must pay for the repairs since it is not a County maintained road.

PROPOSERS: Bonnie Atkinson, 12708 Troxell St, said she is neither for nor against the zoning change but noted that the letter she received from the applicants stated that they are not expanding the business. Mr. Saye explained that he agrees with some of the complaints shared, but he cannot control all the visitors. He feels that there should be speed signs on the roads.

OPPOSERS: O’Dea stated her issues with the Saye’s business ruining the road and that they are not responsible for maintenance.

Board Discussion: Outka explained that there would be a development plan brought before the County Commission once the zoning is complete.

Moved-Seconded (Schenk-Whalen) motion to Approve the COZ # 340 per Lawrence County Zoning Ordinance, Chapter 17. Motion Carried.

The board also discussed the items listed in Katherine Lamie letter and wanted to make sure the County Commissioners review these suggestions as part of the Development Plan.

CC Public Hearing Set March 23, 2021@ 9:45 am

RECOMMENDATION MEETING: VAR # 190 - Mike and Analisa Anderson
Lot 1 of SD TractG of HES 54 & Tract 0165SE 1/4 SE 1/4 Section 25, T4N, R3E VICINITY

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LOCATION: Hwy 385 SUMMARY: 250' variance to the 500' setback from a structure for an off-premise sign ZONING: HSC ACREAGE: 2.41 acres PARCEL ID: 13000-00403-250-10. They will be removing an old sign and replacing it with a nicer one. The SDDOT has approved the sign. The house that it will be closest to is one that he owns.

Moved-Seconded (Ewing-Whalen) motion to Approve the VAR #190 per Lawrence County Zoning Ordinance, Chapter 16. Motion Carried.

BOA PUBLIC HEARING Set March 9, 2021@ 10:00 am

INFORMATIONAL MEETING: CUP #448-21 - Frawley Ranches Inc
SE 1/4 West of Hwy 85 ex ROW & Lot AB & E 1/2 SE 1/4 SE 1/4 in Section 26, T6N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: The applicant is requesting a minor amendment to the existing CUP #448 for an outdoor wedding venue to be allowed to offer an indoor buffet line inside the barns. ZONING: A-1 ACREAGE: 26 acres PARCEL ID: 21000-00603-264-10. Applicant JR Hamblet said that this use would only be for the buffet with room for 85 guest capacity.

PZ PUBLIC HEARING Set April 1, 2021@ 1:30 pm

INFORMATIONAL MEETING: CUP# 463 - John & Amberly Rogers
Lot 5B1 of Wood Estate SD, being a replat of Lots 4 & 5B, all located in the SE 1/4 NW 1/4 and Govt Lot 4 of Section 7, T3N, R5E. VICINITY LOCATION: Rochford Rd SUMMARY: The applicant is requesting a CUP to operate a Recreational Vehicle Rental business on their property. ZONING: PF ACREAGE: 8 acres PARCEL ID: 08500-00303-070-25. The applicants said that the Dumont Trailhead is about 1/2 mile from their property. Allen asked if they have talked about the plan with their neighbors. John said that he has spoken to some of them; others live elsewhere in the winter.

PZ Public Hearing April 1, 2021 @ 1:30 p.m.

ITEMS FROM PLANNING & ZONING BOARD

None.

OPPORTUNITY FOR PUBLIC COMMENT

None.

The meeting adjourned at 3: 10 PM.

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY