

**LAWRENCE COUNTY PLANNING & ZONING BOARD  
MINUTES OF: January 5, 2023, REGULAR MEETING**

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**PENDING BUSINESS:**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, January 5, 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 (B Ewing-TJ Ewing)** to reinstate Chairman Rick Tysdal. Motion Carried.

**Moved-Seconded (TJ Ewing-Bob Ewing)** to reinstate Vice-Chairman Travis Schenk. Motion Carried.

**Moved-Seconded (Schenk-TJ Ewing)** to reinstate Secretary Kelly Fuller. Motion Carried.

**Moved-Seconded (B Ewing-Schenk)** to approve meeting dates for 2023 on the first Thursday of the month at 1:30 PM in the County Commission Room. Motion Carried.

**Moved-Seconded (TJ Ewing-Schenk)** to approve the Regular Meeting Minutes for the December 1, 2022, meeting. Motion Carried.

**Moved-Seconded (Schenk-TJ Ewing)** to approve the Agenda Motion Carried.

**Conflicts:** Schenk shared that he used to lease part of the land in item #2 before it sold. The Board decided it was no conflict with the item and that he could discuss and vote on the item.

**AGENDA ITEMS:**

**PUBLIC HEARING: COZ #356| OWNER/APPLICANT: Isaac Almanza/Joe Noble, Ae2s**

**LEGAL DESCRIPTION:** S1/2 NW1/4 SW1/4 ex Tract A – NW1/4 NW1/4 SW1/4 ex Tract A – W1/2 SW1/4 ex Tract A – W1/2 SW1/4 SW1/4 ex Tract A – W1/2 E1/2 SW1/4 SW1/4 and SW1/4 SE1/4 NW1/4 SE1/4 – E1/2 SE1/4 NW1/4 SE1/4 – E1/2 NE1/4 NW1/4 SE1/4 – NE1/4 SE1/4 – NE1/4 SW1/4 SE1/4 – N1/2 SE1/4 – N1/2 N1/2 SE1/4 SW1/4 SE1/4 – N1/2 SE1/4 – N1/2 N1/2 SE1/4 SW1/4 SE1/4 – N1/2 N1/2 S1/2 SE1/4 SE1/4 – SE1/4 NE1/4 all located in Section 10, T6N, R3E. **VICINITY**

**LOCATION:** St. Onge Road/Steinmeyer Farms **SUMMARY:** Rezone from A-1 to RR to subdivide

**ZONING:** A-1 **ACREAGE:** 176.72 acres **PARCEL ID:** 21000-00603-104-10 and 21000-00603-103-10.

Vogt explained that the owner intends to subdivide the parcels into smaller lots, but the platting would be done through the City of Spearfish.

**Proponents:** The landowner Isaac Almanza and the applicant Joe Noble of AE2S Engineering were present.

**Opponents:** Tim Vander Heide, 11567 Mitchell Ln, disagrees with changing zoning in an area that has been a long-standing agriculture zone. He has concerns about access and water between the two portions of the parcel that are separate from one another. Ray Kinghorn, 19915 St Onge Rd., asked that the Board consider the Comprehensive Plan and its guidelines for preserving an agricultural character in Lawrence County. He said that there were other neighbors who were absent from the meeting with concerns about drainage. Roger and June Ranschau, 11570 Tres Crosses Ln, recently bought their property and did not think anyone would develop the area with a high-density subdivision. Pat Waters, 11575 Steinmeyer Ln and Rodney Benson, 11656 Lazy HD Ln, also shared concerns about density, water and access.

**Proponents:** Noble addressed drainage, water and sewer concerns and explained that those things are regulated by the City, County and State DANR and would have to meet all requirements. He stated that the owner had checked with the City of Spearfish about annexation but was denied due to capability at this time. The plan is for larger lots; the location will have higher-end housing.

**Opponents:** Belynn Johner, 20070 St Onge Rd, feels that the RR zoning gives the option of smaller lots, which she disagrees with. She suggested A-2 zoning and referred to the Comp Plan as well. Kinghorn said he had trouble with perc tests on his land and thought there should be testing before a zoning change allowing smaller lots. Joan Waters, 11575 Steinmeyer Ln, boards horses on her property and maintains the road for riders. She has concerns about more traffic and the effect on her business. Kinghorn mentioned the traffic at intersections and the new clinic nearby. Rick Tilford, 11575 Steinmeyer Ln, also shared concerns about access.

**Discussion:** Tysdal addressed concerns about access and water with information about processes for these items and regulations for subdivision. Vogt explained that many of these concerns are about the development, which is still being designed and would be addressed at the time of platting. The Board discussed the Comp Plan and the Ordinance.

**Moved-Seconded (TJ Ewing-B Ewing)** motion to Deny COZ #356 due to concerns over roads, access and public services per Lawrence County Zoning Ordinance Chapter 17 and that it does not follow the comprehensive plan. Motion Carried.

**(CC PH Scheduled for Jan 24, 2023, at 9:00 a.m.)**

**INFORMATIONAL MEETING:** CUP #300-23 **OWNER/APPLICANT:** Hay Creek Ranch LLC/Cindy Kroebele

**LEGAL DESCRIPTION:** Lot 2 of HES 471 located in Section 3, T3N, R4E. **VICINITY LOCATION:** Nemo Rd/ Penny Lane **SUMMARY:** Add living quarters in pole barn **ZONING:** PFD **ACREAGE:** 20.09 acres **PARCEL ID:** 09000-00304-030-15

**(PZ PH Scheduled for Feb 2, 2023 at 1:30 p.m.)**

**PLATS:**

**LAYOUT PLAN:** APPLICANT: White Buffalo Properties LLC

**LEGAL DESCRIPTION:** Layout Plan for Lots 6A and 7A of HES 537 in Section 24, T3N, R4E. **VICINITY LOCATION:** Nemo Rd/Penny Ln **SUMMARY:** Change of lot lines **ZONING:** PF **PARCEL ID:** 09000-00304-020-32

Vogt shared the letter of denial of access from the Forest Service. This will be an exempt plat because they are moving a lot line.

**Moved-Seconded (B Ewing-Whalen)** motion to Recommend Approval of the Layout Plan. Motion Carried.

**PRELIMINARY & FINAL PLAT:** APPLICANT: Jimmy Jordan

**LEGAL DESCRIPTION:** Plat of Lots 1-4 of M.S. 1741 Alpha Lode Subdivision of Section 34, T4N, R3E. **VICINITY LOCATION:** Brownsville Rd/Pahkamma Rd **SUMMARY:** New lot/Fire Plan has been received and implemented/USFA has issued a private road special use permit **ZONING:** PF **PARCEL ID:** 26680-01741-000-76

**Moved-Seconded (B Ewing-Schenk)** motion to approve the Preliminary Plat with the change of a 66' ROW on the Jordan side of the property line instead of 36'. Motion Carried.

**Moved-Seconded (Whalen-TJ Ewing)** motion to approve the Final Plat with the change of a 66' ROW on the Jordan side of the property line instead of 36'. Motion Carried.

**FINAL PLAT:** APPLICANT: David Winter

**LEGAL DESCRIPTION:** Plat of Lot 2H of Majestic Heights in Section 13, 23, 24, 25, T5N, R3E. **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** New lots/bonding is in place **ZONING:** PF **PARCEL ID:** 26046-00503-020-00

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

**PRELIMINARY & FINAL PLAT:** APPLICANT: David Winter

LEGAL DESCRIPTION: Plat of Lot 2H-1 and 2H-2 of Majestic Heights in Section 13, 23, 24, 25, T5N, R3E. VICINITY LOCATION: Boulder Canyon SUMMARY: New lots/bonding is in place ZONING: PF PARCEL ID: 26046-00503-020-00

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

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

**FINAL PLAT:** APPLICANT: David Winter

LEGAL DESCRIPTION: Lot 24 of Tract A4 of Majestic Estates in Sections 23, 24, 25, T5N, R3E. VICINITY LOCATION: Boulder Canyon SUMMARY: New lots/bonding is in place/fire plan is in process ZONING: PF PARCEL ID: 26045-00503-400-00

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

**FINAL PLAT:** APPLICANT: BH Properties LLC

LEGAL DESCRIPTION: Lots 4 Blk 11; 14, Blk 3; 4, Blk 5 of Southridge Estates being a sub of a portion of Tract 2 of Powder House Pass located in the SE ¼ of Section 19, SW ¼ of Section 20, T4N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: New lots/bonding is in place/fire plan is in process ZONING: PUD PARCEL ID: 26450-00200-000-00

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

**FINAL PLAT:** APPLICANT: BH Properties LLC

LEGAL DESCRIPTION: Lots 1 Blk 1; 8-9, Blk 4; 12 Blk 5 and dedicated public row of Auburn Acres being a sub of a portion of Tract 2 of Powder House Pass located in the SE ¼ of Section 18, SW ¼ of Section 17 and the NE ¼ of Section 19, T4N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: New lots/bonding is in place/fire plan is in process/1st final ZONING: PUD PARCEL ID: 26450-00200-000-00

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

**PRELIMINARY & FINAL PLAT:** APPLICANT: Duffy Croft and Stacey Sanders

LEGAL DESCRIPTION: Lots 2R, Lot 3 and Lot 4 of HES 48 located in Sections 25 and 36, T4N, R3E. VICINITY LOCATION: Hwy 385/Archery Road SUMMARY: Moving lot lines to fix fence line and create a new lot/submitted a fire plan ZONING: PF PARCEL ID: 13000-00403-360-30 and 13000-00403-360-40

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

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

**Break: 2:55-3:05**

#### **WORK SESSION:**

Review of Proposed Zoning Ordinance Revisions. The Board decided to have a separate meeting to discuss campgrounds and VRBOs at a later time. Vogt reviewed changes to some definitions and the addition of multi-family dwellings in SRD zoning. There will be a new zoning chart for ease of access online. The Board discussed the removal of the GC zoning district. Also considered was the PUD process and rewording it with less restrictive detail. Additionally, they addressed sign permits, fees and site plan requirements.

#### **ITEMS FROM PLANNING & ZONING BOARD MEMBERS:**

Tysdal stated that he is on the City of Spearfish Planning & Zoning Board and is revising their Comprehensive Plan and development map. Vogt shared that she is a part of the Board that is doing the Highway and Corridor review in northern Lawrence County. Whalen shared a gracious comment from a resident who did business in the P&Z Office and said his experience with the staff was exceptional.

**PUBLIC COMMENT:** None.

**SET DATE AND TIME FOR NEXT MEETING:** February 2, 2023, at 1:30 p.m.

**ADJOURN** 5:06 p.m.