

**LAWRENCE COUNTY PLANNING & ZONING BOARD**  
**MINUTES OF: January 6, 2022** **REGULAR MEETING**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, January 6, 2022, at 1:30 P.M. in the Deadwood City Hall, 108 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Amy Allen, Mike Whalen, Julie Stone, and Bob Ewing.

Absent: Travis Schenk.

Moved-Seconded (Ewing-Stone) to reinstate the same officers as 2021; Chairman-Rick Tysdal, Vice- Chairman-Travis Schenk and Secretary-Kelly Fuller. Motion Carried.

Moved-Seconded (Ewing-Stone) to approve meeting dates for 2022 on the first Thursday of the month at 1:30 PM in the County Commission Room for 2022. Motion Carried.

Moved-Seconded (Allen-Ewing) to approve the Regular Meeting Minutes for the December 2, 2021 meeting. Motion Carried.

Moved-Seconded (Ewing-Stone) to approve the Agenda with the change of meeting date moved from January 4th to January 18th, 2022 for the County Commission Special Meeting. Motion Carried.

Conflicts: Stone: Item M & Allen: Item M.

**PRELIMINARY & FINAL PLAT:** - Greenview LLC and Jesse Jurens

**PRELIMINARY PLAT LEGAL DESCRIPTION:** Lots 7A, 8 and Green Space Lots 1-4 of Greenview Estates all located NE 1/4, SE 1/4 and the NW 1/4 in Section 14, T3N, R1E

**FINAL PLAT LEGAL DESCRIPTION:** Lots 7A, 8, 11, 12, 13, 14, and 17 and Green Space Lots 1-4 of Greenview Estates all located NE 1/4, SE 1/4 and the NW 1/4 in Section 14, T3N, R1E

**VICINITY LOCATION:** Hwy 85 **SUMMARY:** Lot line adjustments **ZONING:** PF **PARCEL ID:** 06200-00301-000-10; 00; 06200-00301-070-00. Vogt shared comments from Callie Ackerman, Lands Specialist with the U.S. Forest Service - *[In our review of the County Commissioners Meeting Agenda for 1/25/2022, we want to bring to your attention that Potato Springs road within the Greenview Estates Subdivision, which intersects with Boles Canyon Road on National Forest System land is not authorized for use. Our records indicate that no permit or easement has been established across National Forest System lands between the private property to Boles Canyon Road (a road open yearlong). The access off of Highway 85 into the subdivision does not include any National Forest System land.]*

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

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

**FINAL PLAT** - 4 Bears in the Hills LLC & Greg & Ann Endres

Lots 11A and 13A, Blk 3 of Apple Springs Subdivision in Section 14, T5N, R4E (legal shortened) **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Combining three lots

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into 2 ZONING: SRD PARCEL ID: 18010-00300-120-00 and 18010-00300-130-00 and 18010-00300-110-00. No preliminary plat is required.  
Moved-Seconded (Stone-Ewing) motion to approve the Final Plat. Motion Carried.

**FINAL PLAT -Aberle Development LLC**

Lot 34 of Sugarloaf Village Section 19, T4N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lot ZONING: SRD PARCEL ID: 26470-01200-000-00.

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

**FINAL PLAT - David Winter**

Lots 20 & 21 Tract A4 of Majestic Estates, in Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF PARCEL ID: 26045-00503-200-00. Vogt informed the Board that she had requested Mr. Winter to start giving updates before going forward with final plats. He provided an update letter for this submittal. She shared the updates on wells and buildings in the subdivision.

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

**PRELIMINARY & FINAL PLAT - Douglas & Tiffany Roen and Reinhardt Schultes**  
Tract R1A and R4A in Section 28, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Replat lot lines between parcels ZONING: PF PARCEL ID: 26840-01929-000-20 and 26840-01929-000-30.

Moved-Seconded (Stone-Ewing) motion to approve the Plat as Exempt from the Fireplan per Lawrence County Subdivision Ordinance Ch 4. Motion Carried.

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

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

**BOUNDARY PLAT - Maitland Partners LLC**

Tract N of Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Combine Lots 7, 8, 18, & 13 of T5N, R3E & Sections 12 & 13 T5n, R4E. ZONING: PF PARCEL ID: 26680-01678-000-10 and 26720-01754-000-00.

Moved-Seconded (Ewing-Allen) motion to approve the Boundary Plat. Motion Carried.

**PRELIMINARY & FINAL PLAT -James & Lynn Buldhaupt and Terrance & Renee Nielsen**

Tract 1A in Section 18, T4N, R3E and Lot 10A, Blk 2 of Deer Mt Resort Dev No 1 in Section 18, T4N, R3E (legal shortened) VICINITY LOCATION: Deer Mt SUMMARY: Replat lot lines ZONING: PF PARCEL ID: 26420-01158-000-19 and 26440-01158-000-52.

Moved-Seconded (Stone-Whalen) motion to approve the Plat as Exempt from the Fireplan per Lawrence County Subdivision Ordinance Ch 4. Motion Carried.

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

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

**PRELIMINARY PLAT- KR Deer Mt Club 2021 LLC**

Lots 1-100 Deer Mt Village, all located in Section 13, T4N, R2E. (legal shortened)  
VICINITY LOCATION: Hwy 85 SUMMARY: Boundary of the Deer Mt Village Subdivision  
ZONING: PUD PARCEL ID: 26584-00200-040-00; 050-00; 060-00; 010-00; 020-00;  
030-00; 26584-00400-010-00; 26583-01356-000-00; 26540-01221-000-00. Vogt gave a summary of the process for the plan of Deer Mt Village to this point, sharing the current status, work planned, and next steps for the development. Any responses from the Highway Dept. to this point were relayed. Perc tests requested from the County Commission have been done. Eirik Heikes, the representative for the development, added that there are plans for summer recreation/mountain bike trails for the area.

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

**PRELIMINARY PLAT- Kloss Development**

Dakota Highlands Estates (Approx 55 lots) VICINITY LOCATION: Whitewood  
SUMMARY: New Subdivision ZONING: PF PARCEL ID: 22000-00604-231-10 and  
22000-00604-233-15. The highway dept has reviewed and responded to the road plans. There will be a cost-share agreement for the roads off of Frontier Loop. All perc tests have come in OK. Representatives from the development were present and added that they worked with Interstate Engineering on road plans/grades. These items must be addressed and completed before a final plat is approved.

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

**INFORMATIONAL MEETING: CUP #267-21- Curt Walter/Powder River Dev Services/Travis Schenk**

LEGAL DESCRIPTION: SW 1/4 NE 1/4 of Section 22, T7N, R1E VICINITY LOCATION: Chicken Creek Rd SUMMARY: Extension of tower height ZONING: A-1 ACREAGE: 40 +/- PARCEL ID: 23000-00701-222-10. The extension will be 50 ft. Tower has been in place since the early 2000's Property is surrounded by A-1 Zoning. There have been no complaints about the current tower CUP.

**PZ PH: February 3, 2022 @ 1:30 pm**

**INFORMATIONAL MEETING: CUP #471 - SDN Communications/Nemo Volunteer Fire Department**

LEGAL DESCRIPTION: Lot F.S. #1 of HES in NW 1/4 Chester R McDonnell in Section 27, T3N, R5E VICINITY LOCATION: Nemo SUMMARY: New Tower to deliver broadband internet ZONING: SRD ACREAGE: 1 PARCEL ID: 10000-00305-270-25.

Representatives for SDN Communications, Vernon Brown and Jake VanDerwater, were present. Brown presented information about the project, saying that the Federal

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Government has granted money for underserved rural areas with no competition to receive broadband access. The plan includes an addition to the firehouse in Nemo. There will be fiber from Rapid City to a monopole behind the fire station. He said there had been a community meeting in Nemo for the project. Whalen asked for clarification between the tower already outside of Nemo (cellular) and the new one (broadband). Justin Hendrickson, Nemo Fire Chief, shared the Fire Depts' position on the project, saying the addition to the building is needed and it helps financially for the build. The tower would provide for better communications in the area. Bruce Keller, a Nemo resident, said that the area has fiber access and is not underserved. He believes the federal grant could be used in another location with less service than Nemo. The placement of the tower would be in view from Keller's home and does not want that. He also has concerns about 5G technology safety. Outka commented on the ordinance for Suburban Residential Zoning and board consideration of allowing a tower in this zone similar to the allowance of utility substations.

**PZ PH: February 3, 2022 @ 1:30 pm**

Allen and Stone left the table due to conflicts with the request for CUP #470.

**PUBLIC HEARING: CUP #470 APPLICANT: Wharf Resources**

**LEGAL DESCRIPTION: VICINITY LOCATION: Terry Peak/Wharf Area SUMMARY: The applicant is requesting a new CUP to increase the boundary to extend mining operation ZONING: PF ACREAGE: 51 +/- acres PARCEL ID: See Application (multiple parcels included). Vogt reviewed the staff report, highlighting the 2030 Comprehensive Plans phasing of mining's part of Lawrence County history and responsible use of natural resources. She said the conditions in the staff report are standard for extractive industry CUP's**

**Proponents:** Matt Zietlow, Environmental Manager of Wharf Resources, gave a project overview of the economic benefits of the mine along with Baseline studies, water quality studies, dust control, wildlife survey and socio-economic assessment. <https://www.lawrence.sd.us/DocumentCenter/View/1187/Wharf-Boston-PZ-Public-Hearing-Presentation-1-6-22?bidId=>

**Opponents:** Robert Blue, 21179, Mr. and Mrs. Javersak, 21145 and Roger Latt, 21137, all of Last Chance Trail, asked for an interpretation of the buffer zone and mine boundary map. Judy Javersak asked the Board to consider a handout that she submitted. Regarding air quality, vibrations, weed control, and wind. She had concerns about how much time surrounding property owners get notice of Public Hearings. She said she did not have enough time to submit her handout before the meeting.

**Proponents:** Black Hills Energy Account Manager, Jim Keck, offered his support for Wharf Resources, stating that Wharf Resources is a great wind energy project partner, obtaining 48-50% of its energy from wind. Kayla Klein, a resident that works with several non-profits in the Hills, voiced support for the Applicant stating that Wharf is a great supporter of the Black Hills Community. Neighbors to the mine, Jasmine McCauley, 106 Washington St and Justin Phelps, 512 Quincy Ave stated support for the project. Matt Zeitlow explained answers to the boundary line questions.

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**Opponents:** The Javersaks explained in more detail about the dust and air concussions that they presently deal with at their homes. They feel the amount of time it takes to get a response from the company is slow. Zietlow said they could call him to handle these issues and make adjustments.

**Discussion:** Ewing mentioned that the County Weed Board works with Wharf and that he does not know of any complaints about weeds. Fuller asked if the staff had received buffer waivers needed from the last meeting. Vogt confirmed.

Moved-Seconded (Ewing-Whalen) motion to Approve CUP #470 as presented per Lawrence County Zoning Ordinance Chapter 19. Motion Carried. Stone & Allen not voting.

**CC PH: January 25, 2022, @ 10:30 AM**

**Items from Planning & Zoning Board Members:**

Vogt addressed the audience on how to create an account on the County website and receive alerts for specific Board agendas and minutes to keep up to date on issues that are important to them.

**Public Comment:**

None.

**Adjourn: 3:08 PM**

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
Rick Tysdal, CHAIRMAN

ATTEST:  
\_\_\_\_\_ Date: \_\_\_\_\_  
Kelly Fuller, SECRETARY