

**LAWRENCE COUNTY PLANNING & ZONING BOARD**  
**MINUTES OF APRIL 1, 2021** **REGULAR MEETING**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, April 1, 2021, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Bob Ewing, Julie Stone and Travis Schenk.  
Percent 2:15 -Adj: Amy Allen.

Absent: Mike Whalen.

Moved-Seconded (Ewing-Stone) to approve the minutes of the Regular Meeting for March 4, 2021, meeting. Motion Carried.

Moved-Seconded (Stone-Schenk) to approve the Agenda with Item P withdrawn. Motion Carried.

Conflicts: Stone-Items H&I.

**FINAL PLAT - David Winter**

Lot 23 of Tract A4 of Majestic Heights, a portion of Tract A of Majestic Heights located Section 23, 24, 25 of T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: New lot ZONING: PF ACREAGE: Lot 23 (3.98 acres) PARCEL ID: 26045-00503-100-00.

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

**FINAL PLAT - Two Bit Ranch Estates LLC**

Lot 27 of Two Bit Ranch Estates; located Section 30 of T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit Rd SUMMARY: New lot ZONING: PF ACREAGE: Lot 27 (9.44 acres) PARCEL ID: 18185-00504-000-00.

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

**FINAL PLAT - Roy & Danette Schwartz and Boulder Canyon Country Club LLC**  
Back Nine Tract 3A and Lot 2A of Block 5 of the Apple Springs Subdivision, located in Section 11, 14 of T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot for the golf course and a replat of existing Lot 2 ZONING: SRD ACREAGE: Back Nine Tract 3A (18.96 acres) and Lot 2A (.53 acres) PARCEL ID: 18010-00000-000-30 and 18010-00500-020-00.

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

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## **PRELIMINARY & FINAL PLAT - Stone House Enterprises LLC**

Tracts 7A and 7B of the Ciani Tracts, formerly Tracts 6 and 7 located in Section 32, T6N, R4E (legal shortened) VICINITY LOCATION: Crook City Road

SUMMARY: Change in lot lines ZONING: PF ACREAGE: Tracts 7A (37.14 acres) and 7B (9.83 acres) PARCEL ID: 22000-00604-322-60 and 22000-00604-322-70.

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

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

## **PRELIMINARY PLAT - 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. Exceptions requested for road profiles: Road will be longer at 1695 ft to keep the grade at 14% and length of the culdesac length. Fire plan and roads to be completed before any final platted lots.

Moved-Seconded (Schenk-Stone) motion to approve the Road Profile Exceptions. Motion Carried.

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

## **FINAL PLAT - Aventure Estates LLC**

Lots 11, 12, 14, 15, 17, 19 and dedicated public row in Section 11 and 12, T4N, R2E VICINITY LOCATION: Terry Peak Summit Rd SUMMARY: New lots ZONING: PF ACREAGE: Lots 11 (16.216 acres), 12 (4.826 acres), 14 ( 3.687 acres), 15 (3.393 acres), 17 (2.975 acres), 19 (2.484 acres) PARCEL ID: 26582-01356-000-00.

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

**PRELIMINARY & FINAL PLAT - Powder House Pass and BH Development Tract 2B-1 Revised of Wilderness Estates 2nd Addition in 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot-adding acreage into the community hall ZONING: PUD PARCEL ID: 26455-00200-000-25 and 26450-00200-000-70. Plat is making the**

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community center lot larger.

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

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

**FINAL PLAT - BH Development & BH Properties, LLC**

Lots 1, 2, 3, & 5 Blk 3; Lots 1,3,5,6,8,9,10,11 and 16 Blk 4; Lots 1,8,9 and 10, Blk 6; and dedicated public row in Trailside Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots-Phase 2 ZONING: PUD PARCEL ID: 26450-00200-000-70.

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

**FINAL PLAT - Maitland Partners, LLC**

Lot 69, 78, 79, 80, 86 of Paradise Acres III in Section 17, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot ZONING: PF ACREAGE: Lot 69 (3.623), 78 (2.112), 79 (2.001), 80 (5.087), 86 (12.323) PARCEL ID: 26683-01678-000-00.

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

**FINAL PLAT - Maitland Partners, LLC**

Lot 48, 59, 60 and 61 Revised of Paradise Acres II in Section 17, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot ZONING: PF ACREAGE: 48 (4.214), 59 (3.084), 60 (3.116) and 61 Revised (4.242) PARCEL ID: 26683-01678-000-00.

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

**FINAL PLAT - Maitland Partners, LLC**

Lot 7 and 9 of Tract L of Harley Estates in Section 19 and 20, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot ZONING: PF ACREAGE: 7 (2.591), 9 (5.447) PARCEL ID: 26635-00000-000-00.

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

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Carried.

**PRELIMINARY & FINAL PLAT - Two Bit LLC**

Lot 34 and 40 and dedicated 66' public row of Golden Hills SD in 31, T5N, R4E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF ACREAGE: 34 (5.177), 40 (5.476) PARCEL ID: 26680-01707-000-10.

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

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

**PRELIMINARY & FINAL PLAT - Sleep, Jeff & Jody**

Tracts 2A and 2B of Tract 2 of the subdivision of HES 69 located in Sections 18, 19, and 20, T3N, R3E. (Legal shortened) VICINITY LOCATION: Besant Park Rd SUMMARY: New lot ZONING: PF ACREAGE: Tract 2A (2.002) Tract 2B (17.780) PARCEL ID: 08000-00303-200-00. Vogt told the Board that access to these lots is not part of the approval of this plat because the County does not maintain this portion of the road. Ewing said that the County Commission would deal with the access issue at the next meeting.

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

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

**PUBLIC HEARING: 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. The Barn has been updated for fire code and the upstairs is closed to the public.

**Proponents:** None.

**Opponents:** None.

**Proponents:** None.

**Opponents:** None.

Moved-Seconded (Stone-Schenk) motion to Approve the CUP #448-21 per Lawrence County Zoning Ordinance Chapter 19 with condition #2

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changed-The Historic Courtyard Barns is only allowed to host events outside the facilities in the designated areas as depicted on the site plan, except for the portion approved with the CUP #448-21 amendment for the operation of the buffet line. Motion Carried.

**CC PH April 27, 2021 @ 9:15 a.m.**

**INFORMATIONAL MEETING:** COZ # 341- Kissack/Pittman  
SE 1/4 of the NE 1/4; and the SW 1/4 of the SW 1/4 (except Fremont, Elkhorn and Missouri Valley RR CO. ROW) and E 1/2 of the SE 1/4 Except Lots 1 in SE 1/4 SE 1/4 of Section 8. T6N, R4E. VICINITY LOCATION: Hwy 34 SUMMARY: The applicant is requesting a COZ from A-1 to A-2 to subdivide the property ZONING: A-1 ACREAGE: 149.91 acres PARCEL ID:22000-00604-083-30. The plan is for maximum density. All old structures on the property have been removed. There was an old building right affidavit on the property. It did have a CUP for a 2nd residence for many years; now canceled. Currently, the property is in a growing area, but there is no growth agreement with the City of Whitewood.

**PZ PH May 6, 2021 @ 1:30 p.m.**

**INFORMATIONAL MEETING:** COZ # 342 - Kevin & Kayla Dailey  
E 1/2 NW 1/4 except the S 17' of the N 50' of NW 1/4 of Section 21, T6N, R4E VICINITY LOCATION: Colorado Blvd SUMMARY: The applicant is requesting a COZ from A-1 to A-2 to make a tract less than 40 acres at the request of the lending agency for a conventional mortgage ZONING: A-1 ACREAGE: 40 acres PARCEL ID:21000-00603-212-20. The applicant explained that the bank is requiring a plat for financing. Vogt explained to the applicant that a zoning change does not necessarily have to occur because the property can be legally described by 1/4 1/4 description. If he intends to sell a lot, he must update the request to show that the COZ is for subdivision.

**PZ PH May 6, 2021, @ 1:30 p.m.**

**INFORMATIONAL MEETING:** ORD 20-01- David Winter  
All of Lawrence County VICINITY LOCATION: All of Lawrence County SUMMARY: The applicant is requesting an addition of Allowed Uses to HSC-Highway Service Commercial ZONING: HSC. Schenk voiced concern that adding church, daycare and school to HSC Zoning may limit other uses that are already approved conditionally due to proximity to those businesses.

**PZ PH May 6, 2021, @ 1:30 p.m.**

**DISCUSSION ITEMS: 2021 Possible Zoning & Subdivision Ordinance Amendments/Additions.** Vogt discussed with the Board topics that came up during Comp Plan talks in the last few years. There were several items talked

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about for review over the next year. Rob Mattox, Black Hills Land Analysis, joined the conversation when a review of the fire plan procedures was discussed. He would like to see a change to file plan requirements for final plats and building permits in an area that does not need treatment. Mattox stated that if the County is interested in fire mitigation, all lots should be fire managed. Many Board members agree that addressing future fire concerns now is important, but it will add to the responsibilities of the P&Z staff. There may be more P&Z Dept. staff needed if more responsibilities are added to the department, with the increasing amount of building and platting in the county to date.

Moved-Seconded (Schenk-Fuller) motion to request LC Commission to look into fire protection and make a plan. Motion Died due to amendments added. Motion Amended(Stone-Allen) including staff if necessary and to include bringing old lots into compliance. Motion Carried. Ewing recused himself from the vote.

The readoption of the zoning map is due and Vogt would like to start the process.

**Items from Planning & Zoning Board Members: None.**

**Public Comment: None.**

**Adjourn: 3:55 P.M.**

APPROVED: \_\_\_\_\_

Date: \_\_\_\_\_

Rick Tysdal, CHAIRMAN

ATTEST: \_\_\_\_\_

Date: \_\_\_\_\_

Kelly Fuller, SECRETARY