

**LAWRENCE COUNTY PLANNING & ZONING BOARD REGULAR MEETING  
MINUTES OF: APRIL 7, 2022**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, April 7, 2022, at 1:30 P.M. in the Commission Meeting Room, 90 Sherman St, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Mike Whalen, Richard Sleep(Alternate County Commissioner), Julie Stone and Travis Schenk

Absent: Amy Allen

Moved-Seconded (Stone-Schenk) to approve the Regular Meeting Minutes from the March 3, 2022 meeting. Motion Carried.

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

Conflicts: Stone - 3 plats related to Powder House Pass

**INFORMATIONAL MEETING: CUP #429-22**

APPLICANT: Margaret Bonnicelli LEGAL DESCRIPTION: Lot 1 sub of HES 268 in Section 4, T3N, R5E VICINITY LOCATION: Vanocker Canyon Road. SUMMARY: Amend existing Restaurant & Bar CUP- adding food trucks. ZONING: PF ACREAGE: 40 +/- PARCEL ID: 10000-00305-040-11.

Vogt summarized the request to amend their existing CUP that has been in place for 8 years with no complaints to add 3-4 food trucks in order to continue operating the bar/restaurant onsite. Margaret was present and had nothing to add to the information. **Public Hearing Set: PZ PH: May 5, 2022, @ 1:30 pm**

**INFORMATIONAL MEETING: CUP #62-22**

APPLICANT: Old Belle Road Enterprises LLC LEGAL DESCRIPTION: Tract 1 of the Rizzi sub located in the SE¼ NE ¼ and NE ¼ NE ¼ of Section 32, T7N, R2E VICINITY LOCATION: Old Belle Road SUMMARY: Amend existing CUP to add Tract 1 to Tract A2 as an additional space for outdoor storage for campers and trucks ZONING: SRD ACREAGE: 3.645 PARCEL ID: 24000-00702-321-65

Mike Delahoyde is asking to amend the existing CUP to add Tract 1 to Tract A2 as an additional space for outdoor storage for campers and trucks. We have had no complaints regarding this CUP since its inception 8 years ago. **Public Hearing Set: PZ PH: May 5, 2022, @ 1:30 pm**

**PUBLIC HEARING: COZ #349**

APPLICANT: Wichterman Family Properties LLC LEGAL DESCRIPTION: Tract B of Rally Park Addition, formerly a portion of HES 297 and Lot G-1-A Revised of HES 297 of Section 18 and 19, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Rezone properties from HSC and PF to RC to bring the existing campground into compliance as well as extend the campground ZONING: PF and HSC ACREAGE: 45.85 +/- PARCEL ID: 14000-00404-190-55 and 14020-00404-190-30

Vogt summarized the existing campground (Hidden Valley) has 40 sites inclusive of RV and tent sites and 8 cabins; playground; pavilion; shower house with house and shop. This area has all utilities; roads; septic systems; drain fields etc and is fully functional. The new proposed campground will consist of the 42 additional long-term campsites with the new and improved beach area and Lake Leah. This area does have roads built but still needs some improvement. They will install power; water and sewer to the area with a drain field according to state standards. The remaining 40 acres on Tract A which is owned by the

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same family and is adjacent to the proposed area will be for future plans for a personal house and possibly subdivision into 3 lots for their family. Jason and Leah Wichterman were present to answer any questions. We did receive an email from Eli Trevino with concerns of dust and more traffic. We also received a letter from Betty Trevino with similar concerns of dust; trash and more traffic. No one was present as an opponent or proponent to the change. The requested COZ from HSC-Highway Service Commercial and PF-Park Forest to RC-Recreation Commercial on the existing HSC commercial property known as Hidden Valley Campground, plus the additional 40 acres located directly adjacent to the existing campground. This request will be accomplishing two things:

1. Hidden Valley Campground has been in existence for years - prior to zoning regulations in 1974 and it has been added to and re-arranged over the years. This will bring the existing property into compliance as the HSC- commercial zoning states that a CUP is required for a campground yet there has never been a CUP issued. It will also give an accurate site plan and layout of the existing infrastructure located on the property, as shown in the existing campground site plan/map.
2. The additional 40 acres located directly adjacent to the existing campground is requesting to be developed as additional campsites to the already existing campground and they wanted to again change the zoning from PF - which would allow a Conditional Use Permit for a Campground and change it to RC-Recreational Commercial which makes a campground an allowed use with the approval of a Development Plan. The Development Plan goes to the County Commission for approval/denial.
3. The total acreage being asked to be rezoned is 45.85 acres.

Stone did ask about dust control and Whalen noted that the property seems to be well taken care of.

*Moved-Seconded (Stone-Schenk) motion to Approve COZ #349 with conditions as proposed per Lawrence County Zoning Ordinance Chapter 17. Motion Carried. CC PH and 1st Reading: April 26, 2022 @ 9:00 am*

**PUBLIC HEARING: ORD 22-01**

APPLICANT: Dean Meyer LEGAL DESCRIPTION: All HSC Zoned properties in Lawrence County SUMMARY: Request an ordinance amendment to the existing HSC zoning district of Specialty Resort as an Allowed Use to build three smaller service rental cabins ZONING: HSC

Vogt summarized the request to amend the HSC-Highway Service Commercial zoning district to add Specialty Resort as an allowed conditional use permit on the list. The Meyer's will then be applying for a CUP to add three small rental cabins onto the property. There were no proponents or opponents present.

*Moved-Seconded (Whalen-Schenk) motion to Approve ORD 22-01 per Lawrence County Zoning Ordinance Chapter 18. Motion Carried. CC PH and 1st Reading: April 26, 2022 @ 9:15 am*

**PUBLIC HEARING: CUP #472**

APPLICANT: David & Patricia Johnson/Matt Johnson LEGAL DESCRIPTION: NW ¼ SE ¼ and W ½ E ½ SE ¼, Section 10, T7N, R2E VICINITY LOCATION: Hwy 85 SUMMARY: Storage Units/outdoor storage ZONING: A-1 ACREAGE: 5 +/- PARCEL ID: 24000-00702-104-70

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Vogt summarized the applicants are requesting to develop 2 - 30x150 storage units and 1-35x140 boat storage units. The property is currently zoned A-1 General Agriculture which does state that these types of uses would need a Conditional Use Permit. The property is at the corner of Hwy 85 and Hardin Lane, which is in the growth area of the City of Spearfish and the property does fall in the Hwy 85 Land Use Guidelines document. The zoning of this land allows storage units as a conditional use permit. The acreage being asked for is approximately 5 acres.

Proponents: None

Opponents: Calvin Chapman, 10954 Summer Hill has concerns with traffic dust control and the location of the driveway. Alan Crago submitted a letter prior to the meeting with concerns about the location of the driveway and the flow of the irrigation ditch.

The discussion came up that if they wanted to increase to more buildings etc would they have to amend the CUP and yes they would as the submittal only has the three buildings.

*Moved-Seconded (Stone-Whalen) motion to Approve CUP #472 with conditions and the detail in the Hwy 85 Corridor Study plan as proposed per Lawrence County Zoning Ordinance Chapter 19. Motion Carried. CC PH and 1st Reading: April 26, 2022 @ 9:30 am*

### **PUBLIC HEARING:** Colorado Boulevard Study Area Guidelines

Vogt summarized the Colorado Blvd Study Area as presented. This document will allow the City and County to review property proposals based on the gravity flow of sewer to be able to hook into city services as well as areas where we want to see development occur into higher intensity. This document will be an amendment to our Comprehensive Plan so it can be incorporated into Staff Reports and the decision-making process when properties are being developed in their area according to the map in the document.

Opponents: Stan Smith, 81116 Brooke Loop is concerned with St. Onge Road and Acorn Ridge traffic/road and the 85/Colorado Blvd intersection and traffic.

Discussion: Sleep has continued concern with not having a clear and concise process for roads being taken on by the City as development occurs when it is clearly the responsibility of the City. He felt the document should have clear language on this.

*Moved-Seconded (Stone-Schenk) motion to Approve Colorado Boulevard Study Area Guidelines as drafted with the recommendation of Resolution 2022-13 being adopted by the County Commissioners. Motion Carried. CC Public Hearing: April 26, 2022 @ 9:45 am*

**DISCUSSION:** Vogt summarized Lorraine Kissack at 19439 Chicken Creek Loop and Karrie Wendt at 19527 Whitewood Valley Road. Possible Temporary Use pursuant to 10.007 in order to allow a temporary existing mobile home to be used until the new residence is built and the old one is removed and/or decommissioned into storage. Would want to add conditions of possible binding and being tied to an occupancy permit.

The Board discussed the options and had no concern with the use of a temporary use permit. The item will be reviewed with the County Commission on April 26, 2022.

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**DISCUSSION:** David Buechner with Cheyenne Crossing is checking about creating a workforce housing unit on site for employees and an owner unit with a garage.

Vogt explained concerns of location; parking; sewer; and overall use of the land. Currently, the existing zoning or any of our zoning districts doesn't contemplate workforce housing/multi-use housing so this is a bigger discussion of zoning districts. Dave and Dennis requested this item go to the County Commission as well on April 26, 2022.

**DISCUSSION:** Graf Venture LLP Fire Plan, Parcel ID 22000-00604-282-10. The legal description is NW1/4, Sec. 28, T6N, R4E.

Randy Deibert was present as requested that the fire plan only need to be finished on the 5-acre piece being platted with a condition of the other areas needing to be done at the time of platting. The Board had no issue with this proposal as it is consistent with other proposals.

**FINAL PLAT**

APPLICANT: KR Deer Mountain Club

LEGAL DESCRIPTION: Lot 2 of Block A of Deer Mt Village in Section 13, T4N, R2E and Section 18, T4N, R3E. (legal shortened) VICINITY LOCATION: Deer Mt

SUMMARY: 1st Final

ZONING: PUD PARCEL ID: 26583-01356-000-00

Lot has the infrastructure to it already. It will not be part of the Deer Mountain Road district but will have access off of Deer Mtn Rd.

Vogt explained the preliminary plat of the Deer Mt Village Boundary Plat was approved on December 14, 2022, by the Lawrence County Commissioners. This Lot 2 of Block A is the first lot in the Deer Mt Village to be final platted and it has all roads and water already to the lot line there is not anything to be done on this lot for the fire plan. The remainder of the lots will need to have infrastructure and roads to be built as of yet. ***Moved-Seconded (Fuller-Whalen) motion to approve the Final Plat. Motion Carried.***

**FINAL PLAT**

APPLICANT: BH Properties LLC & BH Development

LEGAL DESCRIPTION: Lots 25, 26 & 27, Blk 5 and Lots 1-11, Blk 11; Lots 1-11, Blk 12 and Dedicated Public ROW of Trailside Addition of Powder House Pass Section 17, T4N, R3E (legal shortened) VICINITY

LOCATION: Hwy 85 SUMMARY: New Lots - 1st Final

ZONING: PUD PARCEL ID: 26450-00200-000-00; 26450-00403-005-24

The property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. The zoning was changed from PF to PUD in 2011. The bond is in place to cover costs associated with this area. An updated fire plan has been submitted but not fully implemented. The proposed final plats match the preliminary plat approved in February. ***Moved-Seconded (Whalen-Schenk) motion to approve the Final Plat. Motion Carried. Stone Abstained.***

**REVISED PRELIMINARY PLAT**

APPLICANT: BH Properties LLC

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LEGAL DESCRIPTION: Lots 1-4, Blk 1; Lots 1-3, Blk 2; Lots 1-24, Blk 3; Lots 1-6, Blk 4; Lots 1-10, Blk 5 and Dedicated Public ROW, in Southridge Estates of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85

SUMMARY: New Lots

ZONING: PUD PARCEL ID: 26450-00200-000-70

The property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. The zoning was changed from PF to PUD in 2011. This is a revision to a preliminary plat approved in February. The bond is in place to cover costs associated with this area. An updated fire plan has been submitted but not fully implemented. ***Moved-Seconded (Whalen-Fuller) motion to approve the Revised Preliminary Plat. Motion Carried. Stone Abstained.***

**FINAL PLAT**

APPLICANT: BH Properties LLC

LEGAL DESCRIPTION: Lots 1, 3, Blk 1; Lots 3, 8, 9, 23 and 24, Blk 3; Lot 4, Blk 4; Lots 5 and 6, Blk 5 and Dedicated Public ROW, in Southridge Estates of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85

SUMMARY: New Lots - 1st Final

ZONING: PUD PARCEL ID: 26450-00200-000-70

The property is currently zoned PUD-Planned Unit Development and the surrounding property is zoned PF and PUD. The zoning was changed from PF to PUD in 2011. This is a final plat that matches the revised preliminary previously approved. The bond is in place to cover costs associated with this area. An updated fire plan has been submitted but not fully implemented. ***Moved-Seconded (Whalen-Fuller) motion to approve the Final Plat. Motion Carried. Stone abstained.***

**FINAL PLAT**

APPLICANT: Aberle Development Co

LEGAL DESCRIPTION: Lot 18A, of Sugarloaf Village, Section 19, T4N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Hwy 85

SUMMARY: Matched preliminary plat

ZONING: SRD PARCEL ID: 26470-01200-000-00

Infrastructure includes roads that were designed by Brad Ellis; all dedicated as private access with a community well and sewer systems. ***Moved-Seconded (Stone-Whalen) motion to approve the Final Plat. Motion Carried.***

**BOUNDARY FINAL PLAT**

APPLICANT: Kissack Water & Oil Service Inc

LEGAL DESCRIPTION: Kissack Tract being a sub of the SE ¼ E ¼, NE ¼ SE 1/4, and a portion of the S ½ SE ¼, all located in Section 8, T6N, R4E VICINITY LOCATION: Hwy 34

SUMMARY: Boundary of a new subdivision

ZONING: A-2 PARCEL ID: 22000-00604-083-30

Part of old Pittman property. Zoning allows 4 residences per 40 acres. This Boundary Plat is the first of

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the subdivision process for this property which had a COZ #341 approved by the County Commissioners on August 17, 2021. The COZ was to A-2 which is 4/40 acres. This does fall within a growth corridor from the City of Whitewood. **Moved-Seconded (Schenk-Stone) motion to approve the Boundary Final Plat. Motion Carried.**

**PRELIMINARY & FINAL PLAT**

APPLICANT: Tobias & Lois Rath and Anthony & Brenda Rath

LEGAL DESCRIPTION: Tracts A & B of Rath Sub and dedicated Public ROW all located in SW ¼ NE ¼ SE ¼ and SE ¼ NE ¼ SE ¼ of Section 31, T6N, R4E VICINITY LOCATION: Crook City Road

SUMMARY: Platting of existing lots

ZONING: PF PARCEL ID: 22000-00604-311-28 and 22000-00604-311-40

Platting a 33 ft ROW.

This property was broken up amongst siblings via aliquot parts and they are now wanting to plat them into lots. The current PF zoning district will allow the density they are breaking into. They have existing drain fields; wells; power; driveways and utilities. The Crook City Road Public ROW is also being designated per this plat. **Moved-Seconded (Stone-Schenk) motion to approve the Preliminary Plat. Motion Carried. Moved-Seconded (Stone-Schenk) motion to approve the Final Plat. Motion Carried.**

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

Discussion took place re: the platting process; surveyor responsibility; zoning districts; development controls; zoning map updates and vacation rentals. Ultimately our office will put together a list of items that need to be reviewed over the upcoming year.

**Public Comment:** None.

**Adjourn:** 3:55 PM

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

Rick Tysdal, CHAIRMAN

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

Kelly Fuller, SECRETARY