

**LAWRENCE COUNTY PLANNING & ZONING BOARD**  
**MINUTES OF MAY 6, 2021** **REGULAR MEETING**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, May 6, 2021, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

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

Moved-Seconded (Ewing-Allen) to approve the Regular Meeting minutes for April 1, 2021 meeting. Motion Carried.  
Moved-Seconded (Allen-Ewing) to approve the Agenda. Motion Carried.  
Conflicts: None.

**LAYOUT PLAN - Spearfish Mountain Ranch LLC**

Lots 1-15 of Tract Y, including Tract Y, being portions of the SW 1/4 NW 1/4 of Section 21, and the SE 1/4 NE 1/4 and the N 1/2 SE 1/4 of Section 20 all located in T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: New subdivision ZONING: SRD ACREAGE: 45.22 acres PARCEL ID: 22000-00604-204-20. Black Hills Forest Acres was the original developer; now Keating Resources is the new developer. The plan is for large lots. There will be covenants and HOA. Randy Deibert, the surveyor on the project, was present to give details. There is a plan for the City of Whitewood to sell water to the development instead of annexation. The HOA will be building the roads, which will be paved and will be private access. The approach approval is pending with the Highway Dept.

**CONCEPT PLAN - Land Use Sketch for Deer Mountain Club - Amendment to original Mystic Miner PUD Zoning District - ZONING: PUD.** Amended concept plan and master plan for the old Deer Mtn Resort subd. Keating Resources is the new developer. Eirik Heikes was present to explain the concept plans. He said there would be a new plan presented due to a change in some areas. At this point, the goal is to improve Terry Summit Rd and Deer Mtn Rd. They plan to make the ski resort and the tubing available to the residents. They want to purchase another 180 acres from Wharf Mining and keep plenty of green spaces and renovate the ski lodge. Roads will be paved. Townhomes will be built closer to the ski area and larger homes up the hill. Vogt explained that some current residences would have their water system and there will be a new one in place for the new homes.

**PRELIMINARY PLAT - Bill Pearson**

Lots 1 - 4 of Cabin Springs Estates, being a portion of the remainder of the SE 1/4 NW 1/4 of Section 20, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Proposal for new subdivision ZONING: PF ACREAGE: Lot 1 (2.01 acres); Lot 2 (2.00 acres); Lot 3 (2.00 acres); Lot 4 (2.35 acres) PARCEL ID: 18000-00504-201-10. Access is from an extension of Big Piney Rd.

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

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Carried.

**FINAL PLAT - Frawley Ranches Inc.**

Lot 28, 29 and 36 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 28 (3.319 acres); Lot 29 (4.148 acres); Lot 36 (2.336 acres) PARCEL ID: 22650-00604-000-02.

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

**FINAL PLAT - Frawley Ranches Inc.**

Lot 69 of Frawley Ranch East, all located Section 7 and 12, T6N, R3E (legal shortened) VICINITY LOCATION: Valley View Circle SUMMARY: New lots-matches preliminary ZONING: A-1 ACREAGE: Lot 69 (2.00 acres) PARCEL ID: 22650-00604-000-03.

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

**PRELIMINARY & FINAL PLAT - Joseph & Elizabeth Vodicka**

Tracts 6A and 6B of the S 1/2 NE 1/4, N 1/2 SE 1/4, SE 1/4 NW 1/4 and NE 1/4 SW 1/4 of Section 9, T7N, R3E. (legal shortened) VICINITY LOCATION: St. Onge SUMMARY: New Lot ZONING: A-1 ACREAGE: Tracts 6A (5.09 acres) and 6B (30.72 acres) PARCEL ID: 28400-00703-092-60. Owners are requesting a 5.9 ac lot with a house on it. The lot would be non-compliant in A-1 Zoning. Vogt recommended that possibly a lot-line revision may be approved with the already non-compliant parcels; by making two large lots and a single smaller lot. The owner agreed and will re-submit plats.

Moved-Seconded (Ewing-Fuller) motion to continue the Preliminary and Final Plats. Motion Carried.

**FINAL PLAT - Greenview LLC**

Lot 18 of Greenview Estates, being a subdivision of the Greenview Estates Tract, being the remainder of HES 500 and part of Lot 1 of Tract A of HES 500 all located in the NE 1/4, SE 1/4 and NW 1/4 of Section 14, T3N, R1E VICINITY LOCATION: Hwy 85 SUMMARY: Matches preliminary plat ZONING: PF ACREAGE: Lot 18 (6.00 acres) PARCEL ID: 06200-00301-000-00.

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

**PRELIMINARY & FINAL PLAT - Maitland Partners, LLC**

Lot 1, 12 and Well Lot of Tract L of Harley Estates in Section 19 and 20, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots-matches preliminary ZONING: PF ACREAGE: 1 (9.034 acres), 12 (5.149 acres) Well Lot (.266 acres) PARCEL ID: 26635-00000-000-00.

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

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

**FINAL PLAT - Maitland Partners, LLC**

Lot 44 of Paradise Acres II in Section 17, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot ZONING: PF ACREAGE: 44 (11.936 acres) PARCEL ID: 26683-01678-000-00.

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

**FINAL PLAT - Maitland Partners, LLC**

Lot 14 of Paradise Acres in Section 18, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot-matches preliminary ZONING: PF ACREAGE: 14 (2.279 acres) PARCEL ID: 26680-01678-000-10.

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

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

Lots 7A & 9A, Blk 2 and dedicated public row in Trailside Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Movement of lot lines-Phase 2 ZONING: PUD PARCEL ID: 26450-00200-000-70.

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

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

Lots 6 - 8, Blk 2; Lots 2, 4, 7, 12 - 15, 17, Blk 4; Lots 1- 5, Bk 5; Lots 2-7, Blk 6; Lots 1-2, Blk 7; and Lots 1-11, Blk 8 in Trailside Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots-matches preliminary ZONING: PUD PARCEL ID: 26450-00200-000-70.

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

**PRELIMINARY & FINAL PLAT - Cody Iverson & Laura Edward - Iverson**

Lot 1A, Blk 7 Wilderness Estates 2nd Addition in 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot ZONING: PUD PARCEL ID:26455-00403-070-02 and 26455-00403-070-01.

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

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

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**PRELIMINARY & FINAL PLAT - Powder House Pass and BH Development, LLC**  
Tract B1R 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.

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

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

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

Lot 20A Revised, 21A and 22A of Golden Hills SD in 31, T5N, R4E. (Legal shortened)  
VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots-moving lot lines  
ZONING: PF ACREAGE: 20A (9.887), 21A (5.087) Lot 22A (2.00) PARCEL ID:  
26695-01707-220-00.

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

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

**Break 2:10p-2:15p**

**PUBLIC HEARING - COZ # 341 APPLICANT: Kissack/Pittman**

LEGAL DESCRIPTION: 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.

**Proponents:** JC Reynolds, owner PO Box 184, Rozet, WY, explained that intentions for the smaller lots would be for ranchettes, not the maximum density.

**Opponents:** Cliff Jensen, 11870 Anderson Rd, Whitewood, shared concern about changing the agricultural character by changing the zoning to allow smaller lots. He also explained the situation with problems with access, fencing and water supply. Lance Hubbard, 12117 SD Hwy 34, agrees that there is a need for housing in the County but does not think it should be in the requested area. He has septic and water concerns as well. He feels that a change of zoning would lead to leapfrog development. Bob Rahja, 11933 200th St, explained that it is hard to find water in this area. Robbie Bornsheuer, 12008 Pittman Ln, stated that he moved out of a high-density area in California and did not want his new home area to become like the old area. Peggy Hubbard, 12117 SD Hwy 34 and Charles Leeper, 978 Pittman Ln both expressed more concern about water and septic. Melvin Pittman, 1874 Stone Lake Rd, Nisland, mentioned that he understands the City of Whitewood plans to annex and up to the Railroad and the area will be laid out for growth.

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**Proponents:** Janelle Carr, 231 S. Heptner Rd, Rozette WY, owner, shared that her family is from the Whitewood area and she has had the area in WY where she lives now become higher density and does not want to do the same to this area.

**Opponents:** None.

The Board discussed the access to water situation and Mr. Reynolds said that drilling as far as necessary would be expensive but doable.

Moved-Seconded (Allen-Fuller) motion to Deny the COZ #341 because the surrounding lots are at 40 acres and the issues with water access per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

**CC PH (1st Reading) May 25, 2021, @ 9:00 a.m.**

**RECOMMENDATION MEETING - VAR#191 APPLICANT: Walker Properties LLC/Sam Walker**

**LEGAL DESCRIPTION:** Tract 1 of Trout Haven # 3 Section 7, T2N, R5E. **VICINITY LOCATION:** Hwy 385 **SUMMARY:** The applicant is requesting a 12' and 11' variance to the front two corners of the new covered patio from the front 25' setback **ZONING:** HSC **ACREAGE:** 8.64 acres **PARCEL ID:**05010-00205-073-10. Vogt explained the floodplain issues with the property and that the structure was initially built without a permit. There has been no response from the SD DOT.

Moved-Seconded (Ewing-Fuller) motion to Approve the VAR #191 per Lawrence County Zoning Ordinance Chapter 16. Motion Carried.

**CC PH June 8, 2021 @ 9:15 a.m.**

**Break 2:55p-3:00p**

**INFORMATIONAL MEETING - COZ # 343 APPLICANT: Don Hander**

**LEGAL DESCRIPTION:** A portion of the NE 1/4 NE 1/4 Section 21, T6N, R4E. **VICINITY LOCATION:** Hwy 34 **SUMMARY:** The applicant is requesting a COZ from A-1 to C/LI to bring the land into compliance with lot size and building a storage garage **ZONING:** A-1 **ACREAGE:** 14.19 acres **PARCEL ID:**22000-00604-211-20. P&Z denied the plat of Lot T-13 in January 2021 because it was non-compliant. Kurt Campbell was present to answer questions from the Board.

**PZ PH June 3, 2021, @ 1:30 p.m.**

**INFORMATIONAL MEETING - CUP # 464 APPLICANT: Zachary & Sara Carter**

**LEGAL DESCRIPTION:** Tract CP2, being a part of the SE 1/4, all in Section 26, T6N, R3E. **VICINITY LOCATION:** Hwy 85/Corner of Crook City Rd **SUMMARY:** The applicant is requesting a CUP for storage units on the corner of Crook City Rd/Hwy 85 **ZONING:** A-1 **ACREAGE:** 30 acres **PARCEL ID:**21000-00603-233-10. The request is for a lot

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directly across from the gravel pit. Zach Carter was present and explained that he would build the structures to resemble the Elkhorn Barns. Signage will need to be approved by the County and the State.

**PZ PH June 3, 2021, @ 1:30 p.m.**

**INFORMATIONAL MEETING - CUP #465 APPLICANT: McGuigan Farm Experience LLC/McGuigan Inc/Curtis McGuigan**

**LEGAL DESCRIPTION:** SW 1/4 NE 1/4; SW 1/4; S 1/2 NW 1/4 and pt of W 1/2 SE 1/4 (ex Lot 1 Dairy Lane Addition; E 1/2 NE 1/4 - E 1/2 SE 1/4 (ex Lot 1 Dairy Lane Addition; Dairy Lane Addition Lot 1 in the W 1/2 SE 1/4 of Section 29, T7N, R2E. **VICINITY LOCATION:** North of Spearfish **SUMMARY:** The applicant is requesting a CUP to operate farm tours and education **ZONING:** A-1 **ACREAGE:** 560 acres **PARCEL ID:** 24000-00702-294-44; 24000-00702-304-00; 24000-00702-291-75; 24030-00702-010-00. Curtis McGuigan shared that the intent is to make a 1950's farm experience for tourists and locals to see what life is like on the farm. There will be summertime campfire talks for educational purposes. Vogt felt that a CUP was more practical than a seasonal Ag Tourism Permit because this would be a business used every season. Due to time limits for the CUP procedure, McGuigan's will apply for a Temporary Use Permit for the springtime events.

**Set Public Hearing PZ PH June 3, 2021, @ 1:30 p.m.**

**DISCUSSION ITEMS:** Vogt shared that the SD Planners Assoc. has drafted an ordinance for medical marijuana permitting to help guide jurisdictions with local regulations. These must be in place by July 1, 2021. Outka explained the details. Planning and Zoning will recommend approval/denial to the County Commission in a joint meeting on May 25th at @9:30 AM.

**Items from Planning & Zoning Board Members:** Fuller asked if the County has a way of checking old mine permits. To avoid problems like seen in Mead County with an old gypsum mine opening into a sinkhole under development. The Board discussed the variety of ways that it is handled.

**Public Comment:**

None.

**Adjourn:** 3:37 PM

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

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