

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF: JUNE 2, 2022 **REGULAR MEETING**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, June 2, 2022, at 1:30 P.M. in the Commission Meeting Room, 90 Sherman St, Deadwood, SD.

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

Absent: None.

Moved-Seconded (Ewing-Whalen) to approve the Regular Meeting Minutes for the May 5, 2022 meeting. Motion Carried.

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

Conflicts: Stone: Items I, V & W.

All motions passed by a unanimous vote of all members present unless otherwise noted.

PUBLIC HEARING: CUP 473-APPLICANT: SDN Communication and Mike Anderson
LEGAL DESCRIPTION: Lot 3 of tract G of the Subdivision of Tract 0165 and HES 54, located in Section 25, T4N, R3E VICINITY LOCATION: Hwy 385 SUMMARY: Location for a new 120' broadband tower ZONING: PF ACREAGE:4.605 PARCEL ID: 13000-00403-250-10
Steve Angerhoffer of SDN Communications was present to answer questions.

Proponents: None.

Opponents: None.

Schenk suggested changing item 5 to say up to a 12'X12' equipment shelter shall be allowed. Moved-Seconded (Ewing-Stone) motion to Approve CUP #473 as amended per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

CC PH: June 28, 2022 @ 9:15 a.m.

PUBLIC HEARING: CUP 474 -APPLICANT: Dean Meyer
LEGAL DESCRIPTION: Lot C-1 of Gilded Mountain Subdivision in Section 6, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Specialty Resort
ZONING: HSC ACREAGE: 2.11 PARCEL ID: 26730-01755-000-30

Proponents: None.

Opponents: None.

Allen recommended updating the DENR to the current DANR within conditions #'s, 7 & 10. The zoning was updated in #23 to HSC. Schenk suggested that item #24 be added, stating that three cabins be permitted.

Moved-Seconded (Schenk-Stone) motion to Approve CUP #474 as Amended per Lawrence County Zoning Ordinance Chapter 19. Motion Carried

Due to a lack of correct certified/return receipt mailings of notifications by the applicant, this Public Hearing was rescheduled for July 7, 2022, in front of Planning and Zoning.

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PUBLIC HEARING: CUP 465-22-APPLICANT: McGuigan Family Inc
LEGAL DESCRIPTION: E ½ NE ¼ E ½ SE ¼ NW ¼ SE ¼ & SW ¼ NE ¼ & S ½ NW ¼ AND A
PORTION OF W ½ SE ¼ (EX LOT 1 DAIRY LANE ADDN), SECTION 29 & 30, T7N, R2E
VICINITY LOCATION: Old Belle Road SUMMARY: Amend existing CUP 465 to add seven campsites
and a storage area ZONING: A-1 ACREAGE: 560 +/- PARCEL ID: 24000-00702-294-44
The City of Spearfish added no comments.

Proponents: None.

Opponents: None.

Allen recommended updating the DENR to the current DANR within condition # 8.
Moved-Seconded (Ewing-Stone) motion to Approve Amendment to CUP #465-22 as Amended per
Lawrence County Zoning Ordinance Chapter 19. Motion Carried
CC PH: June 28, 2022 @ 9:45 a.m.

PUBLIC HEARING: COZ 350-APPLICANT: James & Tina Startz/Red Barn Property Management
LLC
LEGAL DESCRIPTION: Tract B2 revised, a sub of Tract B1B and Tract B2 located in SE ¼ SE 1/4 of
Section 32, T7N, R2E VICINITY LOCATION: Off Exit 8 SUMMARY: COZ from SRD to C/LI to allow
for home and apartment rental in garage plus landscaping business. ZONING: SRD to C/LI ACREAGE:
1.62 PARCEL ID: 24500-00702-322-15
Vogt discussed with the owners the plans for the Spearfish Recreation Path that will extend across this
property. She said the owners need to talk with Allan Bonnama about the planned parking area. Tina
Startz noted that there is an easement with the City, and they will reach out to the Hwy Dept for
information.

Proponents: None.

Opponents: None.

Moved-Seconded (Ewing-Schenk) motion to Approve COZ #350 with the recommendation that the
owner be allowed to add a greenhouse to the site plan for the County Commission public hearing, per
Lawrence County Zoning Ordinance Chapter 17. Motion Carried.
**Due to a lack of correct certified/return receipt mailings of notifications by the applicant, this
Public Hearing was rescheduled for July 7, 2022, in front of Planning and Zoning.**

PUBLIC HEARING: COZ 351 -APPLICANT: Jeff & Trisha Messmer/JCJ LLC
LEGAL DESCRIPTION: TBD Majestic Heights, located in Section 24, T5N, R3E VICINITY
LOCATION: Hwy 85/Boulder Canyon SUMMARY: COZ from HSC/PF to C/LI to have proper zoning
for a Medical Cannabis dispensary. ZONING: HSC/PF ACREAGE: TBD PARCEL ID:
26046-00503-010-00

Proponents: None.

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Opponents: Deb Davis, 11753, and Judy Johnson, 11757 E Rebar Circle, requested that the zoning change be denied because their residential properties lay within 1000 ft of this property. Bonnie McGinnis, 11763 E Rebar Circle, is concerned about the commercial development of Boulder Canyon and feels that this change of zoning would be contributing to taking away from the beauty of Boulder Canyon. Mike Ryan, the owner of Lot 2A Majestic Heights, address TBD, is not in favor of Light Industry Zoning being close to his residential property. David Winter, developer of Majestic Estates/Heights,

Proponents: Messmer stated that he had been questioned about traffic and expects about 20-30 customer vehicles per day.

Opponents: Deb Davis shared concern about speed on the highway and the safety of the approach to this lot.

There was a discussion about the differences and similarities between HSC and C/LI zoning. Vogt reminded the Board of the considerations for a Change of Zoning rather than a Conditional Use Permit. Allen questioned the Boards change of view on this request since the informational meeting. Ewing stated that it is due to the input from the neighbors.

Moved-Seconded (Allen-Schenk) motion to Approve COZ #351 per Lawrence County Zoning Ordinance Chapter 17. Roll Call Vote: Aye: 1- Allen; Nay: 6- Fuller, Tysdal, Whalen, Ewing, Stone, Schenk. Motion Failed.

Motion-Second (Ewing-Schenk) motion to Deny COZ #351 per Lawrence County Zoning Ordinance Chapter 17. Roll Call Vote: Aye: 6- Fuller, Tysdal, Whalen, Ewing, Stone, Schenk; Nay: 1- Allen. Motion Carried.

Vogt requested a reason for denial. Ewing stated that this property is too close to residential properties but did not Amend the motion to Deny. The board discussed possibly doing onsite visits more often.

CC PH & 1st Reading: June 28, 2022 @ 10:15 a.m.

PUBLIC HEARING: Community Wildfire Mitigation Plan (CWPP) Revised

Rob Mattox presented the revised CWPP explaining that the revisions have cleaned up the document and shortened it, but the intent was not changed. He said that it explains cost-share funding. Overall fire plan for the county.

Proponents: None.

Opponents: None.

Whalen personally thanked Mattox for his service to the County. Moved-Seconded (Allen-Stone) motion to Recommend Approval for CWPP Revised. Motion Carried. **CC PH: June 28 @ 10:30 a.m.**

RECOMMENDATION MEETING: VAR 199-APPLICANT: Paul Rezich

LEGAL DESCRIPTION: Lot 1, Blk 7 of Lost Camp Valley in Sections 2 & 11, T4N, R2E VICINITY

LOCATION: Terry Peak SUMMARY: Allow an 8' variance to the 25' NE Front setback to allow a

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detached garage ZONING: SRD ACREAGE: .37 PARCEL ID: 26920-0001-007-01

The applicant was not present for questions. Requests such as this have been allowed before. It is a corner lot and has two frontages making it hard to meet the setback.

Moved-Seconded (Schenk-Allen) motion to recommend to Deny VAR #199 because it does not meet the considerations for Lawrence County Zoning Ordinance Chapter 16. Motion Carried. Stone Abstained.

CC PH: June 14, 2022 @ 9:45 am

RECOMMENDATION MEETING: VAR 200-APPLICANT: M & M Sisk Farms LLC/Diversified Construction

LEGAL DESCRIPTION: Lot 7, Blk 8 of Wilderness Estates 2nd Addition in Section 8, T4N, R3E

VICINITY LOCATION: Hwy 85 SUMMARY: Requesting a 1.9' variance to the 10' SW side setback for an already built residence ZONING: PUD ACREAGE: .558 PARCEL ID: 26455-00403-080-07

The new owners of Diversified Construction were present to answer questions. The new builders are trying to address issues such as this inherited from the old owner of the construction company. The Board suggested that the builders try to make a lot line adjustment with the neighboring property.

Moved-Seconded (Allen-Schenk) motion to recommend to Deny VAR #200 because it does not meet the considerations for Lawrence County Zoning Ordinance Chapter 16. Motion Carried.

CC PH: June 14, 2022, @ 10:00 am

5 Minute Break

INFORMATIONAL MEETING: CUP 475 -APPLICANT: Terry Neubaum

LEGAL DESCRIPTION: Lot 2A-1 of Majestic Heights, formerly Lot 2A and 2B of Tract A1A, all in Section 13, 23, 24, 25, T5N, R3E VICINITY LOCATION: Boulder Canyon

SUMMARY: Campground ZONING: PF/HSC ACREAGE: 5.16 PARCEL ID: 26046-00503-020-10

The owners were present and explained that they built on the property for personal use but would like to change it to a rental during the summer when they are on-site. There are camper sites on the property and a lodge-type residence. After discussion, the owners decided to request a Specialty Resort instead of the campground only. The septic is engineered and installed.

PZ PH: July 7, 2022, @ 1:30 p.m.

INFORMATIONAL MEETING: CUP 476 -APPLICANT: Misti Anderson

LEGAL DESCRIPTION: Lot 3 of the replat of Lot K of the Coe Placer M.S. 776 in Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: Campground

ZONING: PF ACREAGE: 3.640 PARCEL ID: 26340-00776-000-40

The owner was present and explained her request to have three camper sites and three tent sites on her property for rental.

PZ PH: July 7, 2022, @ 1:30 p.m.

INFORMATIONAL MEETING: CUP 477 -APPLICANT: Jody & Richard McKee

LEGAL DESCRIPTION: HES 98 in Sections 15, 16, 21 and 22 of T3N, R5E. VICINITY LOCATION:

Nemo Rd SUMMARY: Bed & Breakfast ZONING: PF ACREAGE:98.5 PARCEL ID:

10000-00305-220-10

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The property owners were advised to talk with their neighbors about their plans for a B&B.

PZ PH: July 7, 2022, @ 1:30 p.m.

INFORMATIONAL MEETING: CUP 478 -APPLICANT: Donna & Steve Moe

LEGAL DESCRIPTION: Lot 1B and 2B of Tract B located in Section 4, T6N, R4E (legal shortened).

VICINITY LOCATION: St Onge

SUMMARY: Horses/Livestock ZONING: SRD ACREAGE: 1.900 PARCEL ID: 20100-00602-042-42

Donna Moe explained her plans to have her horse moved to her residential property. She has plans to lay down pea rock to control dust on site. The lot is larger compared to the surrounding lots in the area. She would like to have 1-3 horses on-site.

PZ PH: July 7, 2022, @ 1:30 p.m.

PRELIMINARY & FINAL PLAT ~ APPLICANT: Richard & Jody McKee

LEGAL DESCRIPTION: Lot of Lot 1 & 2 of McKee Estates, formerly HES 123 located in the SE ¼ SW ¼ of Section 24 and N ½ NW ¼ of Section 25 and NE ¼ NE ¼ of Section 26, T3N, R4E. VICINITY

LOCATION: Misty Meadows Rd

SUMMARY: New lot

ZONING: PF PARCEL ID:09000-00304-250-00

Plat is for purposes of estate planning. There is no legal access at this time. An application is made with the US Forest Service for Access; it may take a year or more for approval.

Moved-Seconded (Allen-Stone) motion to approve the Preliminary Plat with stipulation and acknowledgment that the road identified as dedicated public access will never become a part of the County road system nor be eligible for County maintenance; proof of access from Misty Meadows Road across the USFS property is obtained. Motion Carried.

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

PRELIMINARY ~ APPLICANT: Dakota Energy & Resources Inc

LEGAL DESCRIPTION: Lot of Lots 1 & 2 of Jack Redden Sub, formerly M.S. 2206, Alsop Lode 7 in Section 27, T3N, R5E (legal shortened) VICINITY LOCATION: Nemo Rd

SUMMARY: New Lot for donation to SD Board of Regents

ZONING: PF PARCEL ID: 26910-02206-000-10

Moved-Seconded (Allen-Ewing) motion to approve the Preliminary Plat with the 40' access easement proposed on the preliminary will need to be recorded and in place before any final plats are approved; and the fire plan work will need to be completed before any final plats are approved. Motion Carried.

PRELIMINARY AND FINAL PLAT ~ APPLICANT: Richard and Patti Peterson

LEGAL DESCRIPTION: Lot 41A of Frawley Ranch East, Section 7 & 18, T6N, R4E (legal shortened)

VICINITY LOCATION: Acorn Ridge Rd SUMMARY: Lot line revision ZONING: A-1 PARCEL ID:

22650-00604-420-00 and 22650-00604-410-00

Moved-Seconded (Stone-Allen) motion to exempt Plat. Motion Carried.

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

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

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FINAL PLAT ~ APPLICANT: David Winter

LEGAL DESCRIPTION: Lot 5 & 6 of Tract A4 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) **VICINITY LOCATION:** Boulder Canyon/Mattson Lane
SUMMARY: Matches preliminary plat **ZONING:** PF **PARCEL ID:** 26045-00503-400-00

PRELIMINARY PLAT ~ APPLICANT: Canyon LLC

LEGAL DESCRIPTION: Lots 1-8 of Rimrock Canyon Subdivision, being a sub of the NE ¼ NE ¼ of Section 35, T3N, R1E **VICINITY LOCATION:** Hwy 85/Boles Canyon Rd
SUMMARY: New subdivision **ZONING:** PF **PARCEL ID:** 06000-00301-354-10

Moved-Seconded (Stone-Whalen) motion to approve the Preliminary Plat with stipulation and acknowledgment that the road identified therein as dedicated public access will never become a part of the County road system nor be eligible for County maintenance. The grading, drainage, and erosion control plans are submitted before County Commission approval/denial. The fire plan must be completed before any final plats are approved. Motion Carried.

PRELIMINARY & FINAL PLAT ~ APPLICANT: Myron & Judy Rue and Lonni & Vicki Kracht LLC

LEGAL DESCRIPTION: Lots 35A and 36A-1 of Block 1 of Boulder park Sub; all located in Section 15, T5N, R4E (legal shortened) **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Lot line revision
ZONING: SRD **PARCEL ID:** 18600-00504-150-36 and 18600-00504-150-35

Moved-Seconded (Allen-Stone) motion to exempt Plat. Motion Carried.

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Ernest & Kimberley Rupp and Emmert Family

Trust LEGAL DESCRIPTION: Plat of Lots 1A-1 and 6A-1 of Estates at Pillar Peak in Section 20 & 21, T5N, R4E **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Lot line revision **ZONING:** PF
PARCEL ID: 18130-00000-010-10 and 18130-00000-060-00

Moved-Seconded (Stone-Allen) motion to exempt Plat. Motion Carried.

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

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Maryann Eddy Trust and Michael & Marsha

Nichols LEGAL DESCRIPTION: Plat of Tract 1A Revised, Tract 1B Revised and Tract C of M.S. 1881 Section 25 & 36, T4N, R3E (legal shortened) **VICINITY LOCATION:** Brownsville Rd **SUMMARY:** Lot line revision **ZONING:** PF **PARCEL ID:** 26760-01881-000-15 and 26760-01881-000-45 and 26760-01881-000-10

Moved-Seconded (Stone-Ewing) motion to exempt Plat. Motion Carried.

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

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

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PRELIMINARY & FINAL PLAT ~ APPLICANT: BH Development LLC
LEGAL DESCRIPTION: Plat of Lot 1-3 of Dancing Sky Addition of Powder House Pass in Section 7, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PF
PARCEL ID: 26454-00403-000-00

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

FINAL PLAT ~ APPLICANT: BH Development LLC
LEGAL DESCRIPTION: Plat of Lot 6, 7, 11 & 12, Blk 3 of Southridge Estates of Powder House Pass in Section 19 & 20, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots
ZONING: PF PARCEL ID: 26450-00200-000-000

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

Items from Planning & Zoning Board Members:

There was a discussion about what is required of the board in a change of zoning for recommendation and if there is a denial with the vote.

Public Comment: None.

Adjourn: 3:45 PM

APPROVED: _____ Date: _____
Rick Tysdal, CHAIRMAN

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY