

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

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

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

Moved-Seconded (Stone-Whalen) to approve the Regular Meeting minutes for June 3, 2021 meeting. Motion Carried.

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

Conflicts: None.

LAYOUT PLAN - Shawn & Kelsie Darling

Lot 63 Spruce Mt #2 in Section 13, T6N, R4E VICINITY LOCATION: Whitewood/Spruce Mountain SUMMARY: Create 2 lots from 1 lot ZONING: PF ACREAGE: 12.7 acres PARCEL ID: 22400-00604-630-00. Subdivision to build another residence.

FINAL PLAT - Isaac Almanza

Lots 5 -13 of Lost Meadows Subdivision, being a portion of HES 497, located in Section 31 & 32, T3N, R1E and in Section 5 & 6, T2N, R1E VICINITY LOCATION: Hwy 85 SUMMARY: Matches preliminary plat ZONING: PF ACREAGE: See plat for each lot PARCEL ID: 06000-00301-320-00. The Fire Plan has been updated.

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

FINAL PLAT - Frawley Ranches Inc

Lot 25 and Lot J 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 25 (4.059 acres) Lot J (.847 acres) PARCEL ID: 22650-00604-000-02. Lot J is an open/public use lot.

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

PRELIMINARY & FINAL PLAT - 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. There will be individual septs on each lot and possibly water from the City of Whitewood. The Hwy Dept has approved access and the roads have been inspected. There is a fire plan but work is not completed because it is hard to find someone to do the work right now due to the contractors being so busy. If they can't find a contractor, they will bond with the County. Randy Deibert, the surveyor, gave an update on the roads. He asked the Board to approve the plat contingent on the fireplan being complete.

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

Moved-Seconded (Stone-Whalen) motion to approve the Final Plat contingent upon and the fire plan being completed with a letter from Rob. Motion Carried.

FINAL 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: New lots-match preliminary 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. The Hwy Dept has no issues with the road. Pearson stated that the roads will be finished by the end of July and that they are waiting on a fire plan from Rob.

Moved-Seconded (Allen-Whalen) motion to approve the Final Plat conditioned upon until the road is done and/or bonded for and the fire plan is completed with a letter from Rob. Motion Carried.

FINAL PLAT - HES 125 LLC

Lots 3, 4, 5 and 6, Blk 1 of Ironwood Estates in Section 30 and 31, T4N, R3E. (Legal shortened) VICINITY LOCATION: Hanna Rd SUMMARY: New lots-matches preliminary ZONING: SRD ACREAGE: 3 (.657 acres), 4 (.400 acres) 5 (.405 acres) and 7 (.404 acres) PARCEL ID: 13000-00403-310-10.

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

PRELIMINARY & FINAL PLAT - Maya Jo's Bed & Breakfast LLC; Dennis & Brenda Sabo Lot 7A and Lot A1 of the subd. of Whangdoodle No 1 and No 2, M.S. 1845 located in the SW 1/4 of Section 12, T4N, R3E. (Legal shortened) VICINITY LOCATION: Hwy 385/Strawberry Ln SUMMARY: Lot line adjustment-Lot A1 legal description will need to be updated on the existing CUP ZONING: PF ACREAGE: A1 (8.267 acres), 7A (11.081 acres) PARCEL ID: 26760-01845-000-90; 26760-01845-000-99. The owners have decided not to change the legal description of the CUP.

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

Moved-Seconded (Stone-Allen) motion to approve the Final Plat. Motion died due to no vote.

Fuller reminded that there needs to be a condition about amending the CUP.

Motion Amended (Stone-Whalen) to follow the recommendation in the staff report. Amended Motion Carried.

FINAL PLAT - Todd & Michelle Smith

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Lot 26A of Golden Hills SD in 31, T5N, R4E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots-moving lot lines ZONING: PF ACREAGE: 26A (22.167) PARCEL ID: 26695-01707-280-00; 26695-01707-270-00; 26695-01707-260-00. There are no structures on the lots, so no preliminary plat is required. They are making the lot bigger.

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

PRELIMINARY & FINAL PLAT- Maitland Partners, LLC

Lot 17A, 18A, 19A of Bellefish SD #1 in Section 19 & 20, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Lot line adjustments ZONING: PF ACREAGE: 17A (4.107 acres); 18A (7.801 acres); Lot 19A (4.166 acres) PARCEL ID: 26692-01675-000-17. New lots in an old subdivision make all access from Morningstar road. The old Park Lot will become a buildable lot.

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

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

FINAL PLAT - 4 Bears in the Hills LLC

Lots 3A & 4A of Blk 8 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change ZONING: SRD PARCEL ID: 18010-00800-030-00; 18010-00800-040-00; 18010-0000-000-00. There are no structures on the lots, so no Preliminary plat was required.

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

FINAL PLAT - 4 Bears in the Hills LLC

Lots 1A of Blk 13 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change ZONING: SRD PARCEL ID: 18010-00800-010-00; 18010-0000-000-00. The surveyor Frank Dicesare explained that the portion of the ROW on this plat would be a part of the entire ROW that will be platted on the upcoming Phase 2.

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

FINAL PLAT - Greenview LLC LEGAL DESCRIPTION: Lot 1, 3 and 4 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 3 (2.96 acres); Lot 4 (2.81 acres); Lot 1 (5.78 acres) PARCEL ID: 06200-00301-000-00; 06200-00301-000-10.

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

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FINAL PLAT -Two Bit Ranch Estates LLC

Lot 6 &7 of Two Bit Ranch Estates, of Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit Rd SUMMARY: New lots ZONING: PF ACREAGE: Lot 6 (10.40 ac) 7 (5.31 ac) PARCEL ID: 18185-00504-250-00. These are the last two lots to plat in this subdivision.

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

PRELIMINARY & FINAL PLAT - David Winter and TJ Gear Inc

1A & 2G-1 of Majestic Heights, Section 13, 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot changes ZONING: PF ACREAGE: Lot 1A (13.45 acres) and Lot 2G-1 (5.09 acres) PARCEL ID: 26046-00503-020-10; 26046-00503-010-00. Lot 1 is being made larger, and Lot 2G-1 is being reconfigured.

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

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

PRELIMINARY & FINAL PLAT - Fred Ening

Lots A1 and Lot 2 of Desperado Sub and Tract E1 and Tract 1 of the NE 1/4 NE 1/4 in Section 32, T6N, R4E.(legal shortened) VICINITY LOCATION: Crook City Rd SUMMARY: Lot changes ZONING: PF ACREAGE: see plat PARCEL ID: 22020-00604-321-00; 22000-00604-321-30. The fireplan is not complete.

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

Moved-Seconded (Allen-) motion to deny the Final Plat until the fire plan is complete. Roll Call Vote: Aye: 4- Fuller, Tysdal, Allen, Whalen; Nay: 1- Stone. Motion Carried.

PUBLIC HEARING: COZ # 344 - Richard Kruthoff

LEGAL DESCRIPTION: Govt Lot 4 ex pt Lot H-4 (.78), Lot H-5 (1.75), Tract A (5.20), Lot B of Lot 4 (5.14), Lot CH-2 (1.39) & ROW (.69) TN of Lot 4 (5.14), or CH-2 (1.39 and ROW in Section 6 & 31, T7N, R2E (legal description shortened) VICINITY LOCATION: Corner of Homestake Road & Hillsvie Rd SUMMARY: The applicant is requesting a COZ from A-1 to PF to create a possible subdivision of 3 lots ZONING: A-1 ACREAGE: 24.98 acres PARCEL ID:24000-00702-314-10. This land is in the joint jurisdiction of the City of Spearfish. It is the Cities growth area. The City of Spearfish may request a wider ROW than the County requires.

Proponents: The applicant stated that there is already a 66ft ROW there.

Opponents: None.

Proponents: None.

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Opponents: None.

Moved-Seconded (Whalen-Stone) motion to Approve COZ #344 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.
CC PH & 1st Reading July 27, 2021, @ 9:00 a.m.

Break: 5 Minutes.

PUBLIC HEARING: COZ # 345 - Keating Resources
LEGAL DESCRIPTION: Hanify No 6 and Hanify No 7 Lodes in M.S. 1204; Foster Fraction, Gamba Fraction, Addie, Eva, Lavisia Lodes in M.S. 1221, all located in Section 13, T4N, R2E (legal description shortened) **VICINITY LOCATION:** Deer Mt and Terry Peak Summit **SUMMARY:** The applicant is requesting a COZ from PF to PUD to add lots **ZONING:** PF **ACREAGE:** 50.61 acres **PARCEL ID:**26460-01204-000-00 and 26540-01221-00-00. The area is part of the original Mystic Miner Ski Area; it will be added to the existing PUD.

Proponents: Eirik Heikes, Terrasites Design and Randy Deibert were present to answer questions.

Opponents: None.

Proponents: None.

Opponents: None.

Moved-Seconded (Fuller-Whalen) motion to continue the public hearing for COZ #345 to the next meeting on August 5, 2021, per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.
CC PH & 1st Reading July 27, 2021, @ 9:30 a.m. and left open for another Public Hearing on August 5, 2021, @ 1:30 pm.

PUBLIC HEARING: Amended Master Plan - Keating Resources
VICINITY LOCATION: Deer Mt and Terry Peak Summit **SUMMARY:** Land Use Sketch for Deer Mountain Club - Amendment to original Mystic Miner PUD Zoning District **ZONING:** PUD. The new Master Plan lowers density from the original.

Proponents: Eirik Heikes informed the Board that some of the density changes from 1 acre per unit to about 4 acres each. Other lots are between 1 and 2 acres.

Opponents: Oz Enderby, 21375 Mule Deer, a resident and representative from the sanitary district, gave an update and said that he is available if anyone has questions about water.

Proponents: Stuart Gusti, 21336 Saddle Mtn Rd, asked if Cabin Rd will be improved.

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Heikes said it would be at the intersection only; most improvements will be on Deer Mtn Rd.

Opponents: None.

Discussion: Stone asked if Summit Rd will be improved. Heikes stated it would be at the new approaches. Deibert said the primary access would be Deer Mtn Rd.

Moved-Seconded (Stone-Whalen) motion to Approve the MASTER PLAN for Keating Resources pending PUD per Lawrence County Subdivision Ordinance Chapter 6.
Motion Carried.

CC PH & 1st Reading July 27, 2021, @ 9:45 a.m.

INFORMATIONAL MEETING: COZ # 346 - Frontgate Holdings LLC
LEGAL DESCRIPTION: Tract G2Revised of Johnson Subd, formerly Tract G1, G2 and Tract H, being a portion of Johnson Subd, located in E 1/2 of the SE 1/4 of Section 28 and the SW 1/4 of Section 27 all T7N, R2E **VICINITY LOCATION:** Hwy 85 **SUMMARY:** The applicant is requesting a COZ from A-2 to HSC for the continued operation of the storage units **ZONING:** A-2 **ACREAGE:** 23.37 acres **PARCEL ID:**24040-00702-070-10. A zoning change will eliminate the need for a CUP as the owner is preparing to build out phase 3. The new phase meets the requirements of HSC zoning.
PZ PH Aug 5, 2021 @ 1:30 p.m.

INFORMATIONAL MEETING: ORD 21-03 Fire Plan Revisions - Lawrence County Planning & Zoning
VICINITY LOCATION: All of Lawrence County **SUMMARY:** Edits to the fire plan requirements for property subdivided in Lawrence County. It has been 1.5 years since there has been discussion on this item due to Covid-19. Making changes to Phase 1 Schedule of Implementation - if no conifers on open lots; no letter of completed fire plan required.
Contractor- removing S-215 Fire Operations in the Wildland Urban Interface, and a certification from www.firewise.org for "Assessing Wildfire Hazards in the Home Ignition Zone" and the two years of the fire experience requirement.
The Board discussed the County Community Wildfire Protection Plan (CWPP). Vogt would like to see educational materials handed out to property owners by the title companies.

Moved-Seconded (Whalen-Allen) motion to Recommend to the County Commission that as part of the consideration of the current plan, the P&Z Board would like to see the County Community Wildfire Protection Plan document updated before August 5, 2021, Public Hearing. Motion Carried.

PZ PH Aug 5, 2021, @ 1:30 p.m.

DISCUSSION ITEMS:

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Whalen clarified some questions on staff recommendations on development plans vs. change of zoning.

Items from Planning & Zoning Board Members:

None.

Public Comment:

None.

Adjourn: 3:19 PM

APPROVED: _____ Date: _____
Rick Tysdal, Acting CHAIRMAN

ATTEST: _____ Date: _____ Kelly
Fuller, SECRETARY