

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

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, July 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, Amy Allen and Travis Schenk.

Absent: Bob Ewing.

Moved-Seconded (Schenk-Whalen) to approve the Regular Meeting Minutes for the June 2, 2022 meeting. Motion Carried.

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

Conflicts: Stone: Items H, U & T.

All motions passed unanimously with all members present unless otherwise noted.

**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. This CUP is before the Board again due to a lack of correct certified/return receipt mailings of notifications by the applicant; Mr. Meyer informed the P&Z Office that he could not attend this meeting. Vogt stated that there would be new access off of Gilded Mtn Rd.

Proponents: None.

Opponents: None.

Moved-Seconded (Schenk-Stone) motion to Approve CUP #474 with the same motion from the June 7, 2022 meeting (updating the DENR to the current DANR within conditions #'s, 7 & 10. The zoning was updated in #23 to HSC and adding item #24 stating that three cabins be permitted.) per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

**CC PH: July 26, 2022 @ 10:45 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 rental of home and apartment in garage plus landscaping business *ZONING:* SRD to C/LI *ACREAGE:* 1.62 *PARCEL ID:* 24500-00702-322-15. The site plan has been updated to show the location of the proposed greenhouse. Vogt reviewed letters of opposition. A new motion needed to be made because Ewing was not present today.

Proponents: None.

Opponents: None.

Moved-Seconded (Stone-Allen) motion to Approve COZ #350 with updating the DENR to the current DANR within condition # 8 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

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**CC PH& 1st Reading: July 26, 2022 @ 11:00 a.m.**

**PUBLIC HEARING:** CUP 475 *APPLICANT:* Terry Neubaum

*LEGAL DESCRIPTION:* Lot 2A-1 of Majestic heights, formerly Lots 2A & 3A of Tract A1A of Majestic heights Section 24, T5N, R3E *VICINITY LOCATION:* Boulder Canyon *SUMMARY:* Specialty Resort *ZONING:* PF/HSC *ACREAGE:* 5.16 *PARCEL ID:* 26046-00503-020-10

Proponents: Mr. Neubaum stated that he would not be advertising the RV spots; they are only for family and friends.

Opponents: None.

Moved-Seconded (Fuller-Schenk) motion to Approve CUP #475 per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

**CC PH: July 26, 2022 @ 9:30 a.m.**

**PUBLIC HEARING:** CUP 476 *APPLICANT:* Misti Anderson

*LEGAL DESCRIPTION:* Lot 3 of the replat of Lot K of the Coe Placer M.S. 776 ex Lot H1 in Section 24, T5N, R3E *VICINITY LOCATION:* Boulder Canyon *SUMMARY:* Campground *ZONING:* PF *ACREAGE:* 3.640 *PARCEL ID:* 26340-00776-000-40. Vogt updated the Board that there will be no septic for the RV sites, only porta-pots, and dumping will be the responsibility of the camping guests. The property utilizes a shared driveway easement. The SD DOT will not allow another access from the Highway. The conditions for this CUP are the same or similar to CUP's on the surrounding lots. She reviewed the letters that were sent in opposition. They are requesting 3 RV sites and 3 Tent sites.

Proponents: Ms. Anderson said she has friends and family who will stay but will pay her. She addressed concerns that were sent in letters for this public hearing. Vogt reminded that the road access is private and use is between landowners.

Opponents: Justin Peterson, 11777 Hwy 14A, who shares the driveway with the applicant, said he has taken care of the driveway access for 25 years. He has spoken with Counsel about the easement. Dawn Quashnick, who also lives at 11777 Hwy 14A, does not want extra traffic using the easement. She does not want the additional repairs that the road will need with a campground there.

Tysdal stated that the landowners need to deal with access privately. Fuller thinks the easement issue should be taken care of before the CUP is granted. Stone was concerned about the site's location on the side of the road.

Moved-Seconded (Schenk-Whalen) motion to Approve CUP #476 per Lawrence County Zoning Ordinance Chapter 19. Roll Call Vote: Aye: 4 -Tysdal, Whalen, Allen, Schenk; Nay: 3-Fuller, Sleep, Stone. Motion Carried.

**CC PH: July 26, 2022 @ 9:45 a.m.**

**PUBLIC HEARING:** CUP 477 *APPLICANT:* Jody & Richard McKee

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*LEGAL DESCRIPTION:* HES 98 Benjamin Taylor except Tract A Sections 15, 16, 21, 22, T3N, R5E  
*VICINITY LOCATION:* Nemo Rd *SUMMARY:* Bed & Breakfast *ZONING:* PF *ACREAGE:* 98.5  
*PARCEL ID:* 10000-00305-220-10. Conditions # have been added.

Proponents: None.

Opponents: None.

Moved-Seconded (Whalen-Stone) motion to Approve CUP #477 per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

**CC PH: July 26, 2022 @ 10:00 a.m.**

**PUBLIC HEARING:** CUP 478 *APPLICANT:* Donna & Steve Moe

*LEGAL DESCRIPTION:* Lots 1B & 2B of Tract B of SE ¼ SE ¼ of Section 4, T6N, R2E *VICINITY LOCATION:* Spearfish/Hillsview Rd *SUMMARY:* Horses/Livestock *ZONING:* SRD *ACREAGE:* 1.900  
*PARCEL ID:* 20100-00602-042-42. The property is very close to city limits. The City of Spearfish that will issue the building permit for the horse shed said that the request meets the requirement for the 100' setback to the nearest residence. Conditions #14 & 15 have been added.

Proponents: Mrs. Moe said she has talked with neighbors and addressed their questions about property values, and she said that they had changed their minds about opposition to the CUP.

Opponents: None.

Allen said she would like to see a limit to the number of horses allowed in the condition.

Moved-Seconded (Allen-Whalen) motion to Approve CUP #478 Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

**CC PH: July 26, 2022 @ 10:15 a.m.**

**RECOMMENDATION MEETING:** VAR 201 *APPLICANT:* Richard; Barbara and Daniel Baumann

*LEGAL DESCRIPTION:* Lot 14A of Wilderness Estates in Section 7, 8, 17, T4N, R3E *VICINITY LOCATION:* Hwy 85 *SUMMARY:* Requesting a 4" variance to the 25' front setback for an already built residence *ZONING:* PUD *ACREAGE:* 1.179 *PARCEL ID:* 26790-01834-140-00 Loren Vrem was available on behalf of the landowners. The main structure complies, but an addition to the home has one corner in the setback. The owners wanted to sell the property and had a location survey done for the sale in which Vrem found the addition within the setback. Matt from BH Homes, the builder, was also present to explain the situation in which Vrem surveyed the site plan, but in building, one side was made slightly larger due to a possible blown-out form. Schenk and Tysdal agreed that this is a different circumstance than the regular request for a Variance because they had the property surveyed before building. Whalen felt it should be approved with the appropriate language in the motion because they tried to build using the correct process.

Moved-Seconded (Allen-Whalen) motion to recommend Approval of VAR #201 per considerations for Lawrence County Zoning Ordinance Chapter 16, due to being a Variance request of under 5 inches, the

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front property line is along a road, not a neighboring property; that the original survey was done under good intention and the builder/owner came forward immediately when they found the discrepancy.

Motion Carried. Stone Abstained.

**CC PH: July 26, 2022, @ 9:00 am**

**INFORMATIONAL MEETING:** CUP 479 *APPLICANT:* David & Patricia Johnson

*LEGAL DESCRIPTION:* SE ¼ and SE ¼ SW ¼ of Section 23, T7N, R2E *VICINITY LOCATION:*

Spearfish/Hwy 85/Johnson Lane *SUMMARY:* Temporary 2nd Residence for a Ranch hand *ZONING:* A-1 *ACREAGE:* 200+/- *PARCEL ID:* 24000-00702-231-00 and 24000-00702-233-60. Johnson's were present for questions.

**PZ PH: August 4, 2022 @ 1:30 p.m.**

**INFORMATIONAL MEETING:** COZ 352 *APPLICANT:* Goldsmith Properties LLC

*LEGAL DESCRIPTION:* Tract I, being a portion of the Nemo Placer M.S. 1368 located in the NW ¼ of Section 27 and the NE ¼ of Section 28, T3N, R5E *VICINITY LOCATION:* Nemo *SUMMARY:* Change zoning to residential to subdivide *ZONING:* PF/SRD *ACREAGE:* 7.470 *PARCEL ID:*

26580-01368-000-88. This property has multiple zoning, and the owners want to change the zoning of the

entire piece PF District for subdivision into two lots for another residence. Wendy and Tim Goldsmith were available for questions.

**PZ PH: August 4, 2022 @ 1:30 p.m.**

**INFORMATIONAL MEETING:** COZ 353 *APPLICANT:* Riley Fremont

*LEGAL DESCRIPTION:* NE ¼ NW ¼ of Section 31, T7N, R2E *VICINITY LOCATION:* Spearfish West

*SUMMARY:* Change zoning to allow subdivision *ZONING:* A-1 to A-2 *ACREAGE:* 40 +/- *PARCEL ID:* 24000-00702-312-20. The lot is adjoining another A-2 zoning. No one was present to answer questions.

**PZ PH: August 4, 2022 @ 1:30 p.m.**

**DISCUSSION ~ APPLICANT:** SJL Enterprises LLC *LEGAL DESCRIPTION:* Preliminary plat of Block D of Deer Mt Village, formerly SJL Tract of Mystic Miner Subdivision located in the Mystic Miner Tract containing the Dolphin, Israel, Belt and Bryan Lodes of MS 1217, all located in SE ¼ of Section 13, T4N, R2E. *VICINITY LOCATION:* Deer Mt *SUMMARY:* New lots *ZONING:* PUD *PARCEL ID:*

26584-01356-000-80. This area falls outside of the original PUD of Mystic Miner. It has been purchased by the owners of the new Deer Mtn project. They initially asked for 1-acre lots but have changed that to 2 acres since the first submittal to match the Master Plan. There was a discussion about the roads.

Eirik Heikes was present to explain the plan for this area. He said the road option on the table is gated emergency access via Birch Road. This area has had firework done recently and will have water from the PUD system. Heikes updated that there will be three water tanks where the ski lift ends.

**CC Meeting: July 12, 2022 @ 9:15 am**

**ROAD PROFILE EXCEPTIONS ~ 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. There have been no comments from the County Highway Dept. The County will never maintain the road. Any easement will be between the Forest Service and the landowner.

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Moved-Seconded (Allen-Stone) motion to approve Road Profile Exceptions for Lots 1-8 Rimrock Canyon Subdivision. Motion Carried.

**CC Meeting: July 12, 2022 @ 9:15 am**

**PRELIMINARY AND FINAL PLAT** ~ *APPLICANT*: Jolene and Mark Bevier

*LEGAL DESCRIPTION*: Lots 1, 2 and 3 of M.S. 1902, formerly the Hazel Lode and Lillian lode of M.S. 1902, all in the NE ¼ of Section 11, T3M, R4E. *VICINITY LOCATION*: Nemo Rd *SUMMARY*:

Subdivision *ZONING*: PF *PARCEL ID*: 26800-01902-000-15 and 26800-01902-000-05. The property has a fire plan that has not been completed. Vogt said that this needs to be done before the final is approved. The surveyor Brad Limbo noted that the intention is for access through the lots. Vogt replied that they might be able to do an easement if the Commission approves it, but a dead-end road does not meet the requirements for the number of lots they are requesting.

Moved-Seconded (Allen-Stone) motion to deny the Preliminary Plat because the dead-end road does not meet the requirements for the number of lots they are requesting and does not meet the fire plan requirements. Motion Carried.

The Final Plat did not go to vote.

**This plat is going to the County Commission with the recommendation of Denial.**

**PRELIMINARY & FINAL PLAT** ~ *APPLICANT*: Tom & Julie Koth/JCJ LLC

*LEGAL DESCRIPTION*: Lot 4A and 1A-1 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*: Lot line change *ZONING*: HSC *PARCEL ID*: 26046-00503-010-00 and 26280-00166-000-30

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

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

**PRELIMINARY & FINAL PLAT** ~ *APPLICANT*: Ted & Kathy Thompson and Ralph & Renae Besler

*LEGAL DESCRIPTION*: Plat of Besler Tract located in a portion of the SW ¼ SE ¼ of Section 16 and a portion of the NW ¼ NE ¼ of Section 21, T6N, R4E. *VICINITY LOCATION*: Whitewood *SUMMARY*:

Lot line revision *ZONING*: A-1 *PARCEL ID*: 22000-00604-164-30 and 22000-00604-211-15. The lot is already noncompliant with PF zoning.

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

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

**PRELIMINARY & FINAL PLAT** ~ *APPLICANT*: Phillip Hammond

*LEGAL DESCRIPTION*: Lot 500 R of Black Forest Ranchettes #1 Section 17, T4N, R3E *VICINITY LOCATION*: Rochford Rd *SUMMARY*: Lot line revision *ZONING*: PF *PARCEL ID*:

26860-01994-000-98 and 26460-01166-000-15

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

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

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**FINAL PLAT ~ APPLICANT:** Maitland Partners LLC **LEGAL DESCRIPTION:** Plat of Lot 84 of Tract M of Paradise Acres III Section 17, 18, 19 & 20 of T5N, R3E (legal shortened) **VICINITY LOCATION:** Maitland Road **SUMMARY:** New lot-matches prelim **ZONING:** PF **PARCEL ID:** 26684-00000-000-00

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

**PRELIMINARY & FINAL PLAT ~ APPLICANT:** Elfin Enterprises LLC  
**LEGAL DESCRIPTION:** Plat of Lot 14A of Golden Hills Sub, a sub of Tract A located in Section 30, T5N, R4E (legal shortened) **VICINITY LOCATION:** Two Bit/Boulder Canyon **SUMMARY:** Combining three lots into 1 **ZONING:** PF **PARCEL ID:** 26695-01707-150-00 and 140-00 and 170-00

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

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

**PRELIMINARY & FINAL PLAT ~ APPLICANT:** M & M Sisk Farms and Travis & Amber Erends  
**LEGAL DESCRIPTION:** Plat of Lots 6A and 7A, Blk 8, Wilderness Estates 2nd Addition of Powder House Pass in Section 8, T4N, R3E (legal shortened) **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Lot line Revision to not require a Variance **ZONING:** PUD **PARCEL ID:** 26455-00403-080-06 and 080-07

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

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

**PRELIMINARY & FINAL PLAT ~ APPLICANT:** Lead-Deadwood Sanitary District  
**LEGAL DESCRIPTION:** Plat of Tract S and Tract W, a sub of HES 41 in Section 19, 20, 29, & 30 T4N, R3E (legal shortened) **VICINITY LOCATION:** Hwy 85 **SUMMARY:** New lots **ZONING:** PF **PARCEL ID:** 13000-00403-300-55

Moved-Seconded (Allen-Fuller) motion to approve the Preliminary Plat changing the wording of the structure label. Motion Carried.

Moved-Seconded (Allen-Whalen) motion to approve the Final Plat changing the wording of the structure label. Motion Carried.

**PRELIMINARY & FINAL PLAT ~ APPLICANT:** Jesse & Jillian Peterson  
**LEGAL DESCRIPTION:** Plat of Lot 15A of Two Bit Ranch Estates in Section 19 & 20, T4N, R3E (legal shortened) **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Combining lots 13,14 &15 **ZONING:** PF **PARCEL ID:** 18185-00504-150-00 and 140-00 and 130-00

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

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

**Items from Planning & Zoning Board Members:** This meeting is Amy Allen's last meeting as a P&Z Board member. The Board thanked her for her service to the County. It is currently the middle of her

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term, and Vogt does not know if the Commission will appoint someone to fill the time or if applications will be accepted for a new Board member.

**Public Comment:** None.

**Adjourn: 3:45 PM**

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

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