

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 5, 2021 **REGULAR MEETING**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, August 5, 2021, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

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

Absent: Bob Ewing

Moved-Seconded (Stone-Schenk) to approve the Regular Meeting minutes for July 1, 2021 meeting.
Motion Carried.

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

Conflicts: Stone- Items H, I & J.

LAYOUT PLAN - Todd Stroschein

Proposed Lots 1-8 approx 2.0 acres + Section 14, T5N, R4E VICINITY LOCATION: Boulder Canyon
SUMMARY: Combine approx. Twenty lots down into eight lots for better access and feasibility of building sites ZONING: SRD ACREAGE: 24.48 acres PARCEL ID: 18500-00504-144-34. There was a discussion about the access and section line. Mr. Stroschein was present to explain that they plan to add roads in the subdivision.

PRELIMINARY & FINAL PLAT - Charles & Agnes Larsen

Tract E Revised and Tract I Revised of Reebe Ranch Estates in Section 28, T7N, R1E (legal shortened)
VICINITY LOCATION: Red Hill Rd SUMMARY: Movement of Lot Lines ZONING: A-1 ACREAGE:
Tract E R (12.224 Ac and Tract I R (12.3626 Acres) PARCEL ID: 23500-00701-285-50 &
23500-00701-280-90.

Moved-Seconded (Stone-Schenk) motion to approve the Exempt Plat Motion Carried.

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

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

FINAL PLAT - Jenny Willigrod, Trustee

Lots 2A of Blk 11 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY
LOCATION: Boulder Canyon SUMMARY: Combining lots ZONING: SRD PARCEL ID:
18010-01100-030-00.

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

FINAL PLAT - Douglas & Rhonda Jenner

Lots 13A of Blk 4 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY
LOCATION: Boulder Canyon SUMMARY: Combining Lots ZONING: SRD PARCEL ID:
18010-00400-140-00 and 18010-00400-130-00.

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

PRELIMINARY PLAT - David Winter

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 5, 2021 **REGULAR MEETING**

Lots 1, 2 and 3 of Tract A2 of Majestic Heights, Section 13, 23, 24, 25, T5N, R3E (legal shortened)
VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF PARCEL ID:
26046-00503-020-10. The road profiles and fire plan have been approved. A bond was issued for a
portion of the roads and is completed by these lots. The overall bond is close to being finished as they are
finishing up graveling and have installed the water and electrical. This development will have individual
septic tanks and wells, but these two lots hope to have a shared well.

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

PRELIMINARY & FINAL PLAT - APPLICANT: Tkach Family Revocable Trust/John Bey
Lots 12A and 14A Blk D of Boulder Heights Ad No one all located Section 14, T5N, R4E (legal
shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Combining lots ZONING: SRD
PARCEL ID: 18400-00504-144-12; 18400-00504144-13; 18400-00504-144-18.

Moved-Seconded (Schenk-Stone) motion to approve the Exempt Plat. Motion Carried.

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

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

FINAL PLAT - BH Development LLC

Lots 4, Blk 3 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 ACTION REQUIRED: Approval/Denial

Moved-Seconded (Allen-Schenk) motion to approve the Final Plat. Motion Carried with Stone not voting.

PRELIMINARY PLAT - BH Development LLC

Tank Lot, Lots 8-24, Blk 5; Lots 3-9, Blk 7; Lots 12-39, Blk 8; Lots 1-4, Blk 9 and Dedicated Public
ROW, in Trailside Addition 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. Rob Mattox is doing the fireplan review, and many of the trees are being removed
to make roads.

Moved-Seconded (Allen-Schenk) motion to approve the Preliminary Plat. Motion Carried with Stone not
voting.

PRELIMINARY & FINAL PLAT - Powder House Pass and BH Development, LLC

Tract B1R Revised 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 (Schenk-Allen) motion to approve the Preliminary Plat. Motion Carried with Stone not
voting.

Moved-Seconded (Schenk-Allen) motion to approve the Final Plat. Motion Carried with Stone not voting.

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 5, 2021 **REGULAR MEETING**

PRELIMINARY & FINAL PLAT - Todd & Michelle Smith

Lot 57A of Golden Hills SD in 31, T5N, R4E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots-moving lot lines ZONING: PF PARCEL ID: 26695-01707-410-00; 26695-01707-570-00.

Moved-Seconded (Schenk-Stone) motion to approve the Exempt Plat. Motion Carried.

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

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

FINAL PLAT - Two Bit LLC

Lot 1, 24, 25 & 30 of Golden Hills SD in 31, T5N, R4E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New Lot-matches preliminary ZONING: PF PARCEL ID: 26680-01707-000-10.

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

PRELIMINARY & FINAL PLAT - Lead Country Club Inc

Tract 1, Blk 5 of Ironwood Estates in Section 30 and 31, T4N, R3E. (Legal shortened) VICINITY LOCATION: Hanna Rd SUMMARY: New lots ZONING: SRD PARCEL ID: 13200-00500-000-00.

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

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

PRELIMINARY & FINAL - Michael & Cynthia Lick

Tracts C1 Revised & C2 Revised of Tract C, a sub of Lot 2, located in the SE ¼ of in Section 24, T5N, R3E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots ZONING: PF PARCEL ID: 17000-00503-240-35. This plat is for a small acreage change.

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

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

PUBLIC HEARING: COZ # 345- Keating Resources

Hanify No 6 and Hanify No 7 Lodes in M.S. 1204; Foster Fraction, Gamba Fraction, Addie, Eva, Lavisa 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 applicant wants to add this acreage to the original Mystic Miner PUD, bring it into compliance with the submitted Master Plan.

Proponents: None.

Opponents: Steve Job, 11076 Golden Tamarack, a neighbor to this property, had questions about changes to existing/future utility easements, roads and the water system. He also mentioned that the signage to the development would be better if there was contact information on them for people could make inquiries about the property.

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 5, 2021 **REGULAR MEETING**

Proponents: Erk Heikes was present to answer questions from the public. He said he would pass along to the developer any questions that he could not answer at this time. He told Mr. Job that there are no immediate plans to make changes to Golden Tamarack except to connect water lines and fiber lines will be going in. Bruce Outka asked if outside properties will be able to hook into the proposed water system. Heikes told him that her could pass that question along to the owners. Vogt mentioned that signage on the property could be whatever the landowner wants to put up.

Opponents: Job said that there are stakes in the road; it looks like there is surveying for road changes. Vogt reminded everyone that the Master Plan for the development is on the website.

Moved-Seconded (Allen-Sleep) motion to Approve COZ #345 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

CC PH & 1st Reading August 17, 2021, @ 9:15 a.m.

PH

PUBLIC HEARING: COZ # 346 - Frontgate Holdings LLC

Tract G2Revised of Johnson Subd, formerly Tract G1, G2 and Tract H, being a portion of Johnson Subd, located in E ½ of the SE ¼ of Section 28 and the SW ¼ 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.

Proponents: The applicant Mr. Garret of Frontgate Holdings LLC, was present at the meeting.

Opponents: None.

Proponents: None.

Opponents: None.

Discussion:

Moved-Seconded (Schenk-Whalen) motion to approve the COZ #346 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

CC PH & 1st Reading September 7, 2021, @ 9:15 a.m.

PUBLIC HEARING: ORD 21-03 Fire Plan Revisions - Lawrence County Planning & Zoning

VICINITY LOCATION: All of Lawrence County SUMMARY: Edits to the fire plan requirements for properties being subdivided in Lawrence County.

Proponents: Vogt discussed the changes of requirements for contractors.

Opponents: None.

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 5, 2021 **REGULAR MEETING**

Proponents: None.

Opponents: None.

Discussion: None.

Moved-Seconded (Allen-Whalen) motion to Approve the Ordinance 21-03 Fire Plan Revisions, with grammatical edits as necessary, per Lawrence County Zoning Ordinance Ch 18. Motion Carried.

CC PH & 1st Reading September 7, 2021, @ 9:30 a.m.

RECOMMENDATION MEETING: VAR # 192 -Boars Nest Resort LLC

1832 Cannonball No 2 Lode in Section 5, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: An 18.2' SE Corner Variance to a 25' front setback for a garage on the south portion of the Lot & a 6.4' SE corner and a 5.7' NE corner variance to the 25' front setback for a garage on the north portion of the lot ZONING: PF ACREAGE: 13.15 acres PARCEL ID: 26760-01832-000-25. Variance is requested for a couple of existing buildings.

Moved-Seconded (Whalen-Fuller) motion to Approve VAR #192 per Lawrence County Zoning Ordinance Chapter 16. Motion Carried.

BOA PH August 17, 2021 @ 10:30 a.m.

RECOMMENDATION MEETING: VAR # 193 - Joan Schultze/Dwayne Knutsen

Lot E of the Sub entitled Lots A, B, C, D, E, F, G and H of M.S. 1741, in Section 34, T4N, R3E VICINITY LOCATION: Brownsville Rd SUMMARY: A 16' NW front corner & a 10.7' NE side corner variance to the 25' front setback for a covered porch addition and a 16.9' NW front corner & a 9.3' NE side corner variance to the 25' side setback for an existing residence ZONING: PF ACREAGE: 2.6 acres PARCEL ID: 26680-01741-000-25. This variance is to bring the existing structure into compliance and allow the construction of a new covered patio/deck.

Moved-Seconded (Stone-Whalen) motion to Approve VAR #193 per Lawrence County Zoning Ordinance Chapter 16. Motion Carried.

BOA PH August 17, 2021, @ 10:45 a.m.

RECOMMENDATION MEETING: VAR # 194 - Randy Hedge

Lot 20 of Spearfish Canyon lots in Section 9, T4N, R2E VICINITY LOCATION: Spearfish Canyon SUMMARY: Requesting for a 7.7' variance to the 25' front setback from the road ROW on NE corner to build an addition to an existing residence for an attached garage with living space ZONING: PF ACREAGE: .32 acres PARCEL ID: 26985-00009-000-20. The SD DOT has an 80ft R.O.W. at this location on the Highway.

Moved-Seconded (Allen-Whalen) motion to Approve VAR #194 per Lawrence County Zoning Ordinance Chapter 16. Motion Carried.

BOA PH August 17, 2021, @ 11:00 a.m.

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 5, 2021 **REGULAR MEETING**

INFORMATIONAL MEETING: CUP # 458 - Grant Sawyer

Tract D and H of Nemo placer No 1368, all located in NW ¼ of Section 27, T3N, R5E Section 27 all T7N, R2E VICINITY LOCATION: Nemo SUMMARY: The applicant is requesting a CUP for 4-8 campsites for horse camping with private hookups and corrals ZONING: PF ACREAGE: 8 acres PARCEL ID: 26580-01368-000-59 and 26580-01368-000-87. Mr. Sawyer presented a history of the property and what his plans are for the near future. He wants the location to be a quieter, more secluded alternative for camping in Nemo. His goal is to close the campground to horses over the Sturgis Motorcycle Rally and rent spots to bikers. He may request a temporary use permit occasionally for festivals on the property. He said that the lot has a well that is not tapped and an electricity transformer to extend services to all proposed camper sites. There is also access to the Centennial Trail from the lot.

BOA PH September 2, 2021, @ 1:30 p.m.

DISCUSSION ITEMS:

The Timbers Subdivision Water Storage Plan-HC Properties is the owner of the water system in the subdivision. This system had already been approved several years ago. The owners want to change items of the original plan, and Vogt wanted the Board and the County Commission to be aware of the changes. The plan now is to downsize the water storage tank by half and rely on a spring-fed pond for fire services. Allen asked about the pond and how much water it can provide. Fuller disagreed with the information in the document presented by the engineer, stating that the numbers shown are not enough to handle the water needs of the subdivision.

Medical Cannabis Ordinance-Vogt went through the proposed ordinances 21-04 and 21-01 with the Board. She explained the schedule for the process of adding it to the Zoning Ordinance. Topics discussed were how many dispensaries to allow in the County, the zoning districts to allow Medical Cannabis Dispensing in, licensing, fees and business hours. Favored by the Board was a limit of three dispensaries allowed within Commercial/Light Industrial Zones in the County and hours of 8 am to 10 pm. Lis Tiger from 605 Cannabis S.D was present and asked about the process for future seed-to-sale businesses to be allowed. Vogt said that the petitioner could ask for an Ordinance Amendment for a specific zoning and other verbiage changes. Tiger also warned about over-regulation of marijuana and the risk of pushing it to the black market again after legalization. She asked about allowing testing for quality standards on-site with the dispensaries.

Items from Planning & Zoning Board Members:

Vogt requested a change for the meeting date of the October 2021 meeting. She asked for it to move it from the 7th to the 14th due to a change in staff scheduling.

Public Comment:

None.

Adjourn: 4:05 PM

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF AUGUST 5, 2021 **REGULAR MEETING**

APPROVED: _____ Date: _____
Rick Tysdal, CHAIRMAN

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY