

**LAWRENCE COUNTY PLANNING & ZONING BOARD**  
**MINUTES OF: SEPT 1, 2022** **REGULAR MEETING**

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

Present: Julie Stone, Rick Tysdal, Mike Whalen, Bob Ewing & Travis Schenk.

Absent: Kelly Fuller & TJ Ewing.

Moved-Seconded (Schenk-Ewing to appoint Julie Stone as Acting Secretary in the absence of Kelly Fuller. Motion Carried.

Moved-Seconded (Whalen-Schenk) to approve the Regular Meeting Minutes for the Aug 4th, 2022 meeting. Motion Carried.

Moved-Seconded (Whalen-B Ewing) to approve the Agenda with the removal of Item M. Motion Carried.

Conflicts: Stone: Items L & N

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

**PUBLIC HEARING:** 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.

Proponents: David Johnson, the applicant, stated that he needs a ranch hand even if it is not those listed in the conditions. He asked if they could use others if needed.

Opponents: None.

Moved-Seconded (Stone-Whalen) motion to Approve CUP #479 with a change to #6 that if the occupant of the 2nd residence is not a listed family member, P&Z needs to be notified per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

**CC PH: September 27, 2022, @ 9:00 a.m.**

**PUBLIC HEARING:** CUP 480 APPLICANT: Michael & Amy Rogers LEGAL DESCRIPTION: E ½ E ½ NE ¼ NE ¼ - SW ¼ NE ¼ NE ¼ NE ¼ - W ½ SE ¼ NE ¼ NE ¼ - SE ¼ SW ¼ NE ¼ NE ¼ all in Section 18, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Specialty Resort with treehouse cabins/ tent spots and bathroom/shower house facility ZONING: PF ACREAGE: 20+/- PARCEL ID: 18000-00504-181-00. Vogt stated road district concerns.

Proponents: Mike Rogers, the applicant, asked if the Board could change the condition of having a CPR Certified individual on site 24 hrs. He said they would not be able to do that.

Opponents: Nathan Chicoine of Demersseman, Jensen, Tellinghuisen & Huffman Law was present as representative of Daniel Voneye, 20750 Whitewood Peak Rd, and other members of the Oak Mountain HOA and Road District. He voiced opposition to the request for this CUP within their road district. Tom Hill, head of the Road District, said that he does not believe the road is ok for commercial use and that the area and roads are intended for residential use. He said that others in the area have rentals, and the traffic

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is already increased. Mr. Voneye said that he is concerned about emergency services being able to get to the location and believes camping is not consistent with the neighborhood. He mentioned past accidents that have happened coming down the hill. He is worried about noise, traffic and safety. Marv Kuper, 20760 Mountain Ct., agreed that the road is not made for more traffic.

Proponents: The applicant addressed concerns. He said his resort would only be open from May to September, and the accidents were in the winter. He has spent thousands of dollars upgrading the road and will continue to do so. He is able to pull his large RV up to the resort location and will not have quests driving up the steepest part of the hill, and they will not have campers.

Opponents: Kuper asked if the application could upgrade the road with gravel before they open. Will Potts, 11849 Mt Meadows Ct, said resort traffic would significantly affect his property, and people already drive too fast on the road. Chicoine and Vaneye shared concerns about the road being washed out and traffic safety through the access easement. Dottie and Bob Oldenkamp, 20771 Mountain Ct, questioned the care and maintenance of the resort if the owners will not be onsite 24hrs a day.

Bruce Outka asked specifics about the easement and if there is anything in it restricted. Vogt reminded that the road is in the Road District and may be a public road. Outka said that this is a legal issue that can be looked at by the property owners and their neighbors.

Moved-Seconded (Stone-B Ewing) motion to continue to the October 6th P&Z meeting and conduct an on-site visit on Sept 27th at 4 pm for CUP #480 per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

**On-site Set Sept 27th @ 4 p.m.**

**INFORMATIONAL MEETING:** CUP 481 APPLICANT: Jeremy & Tanya Williams LEGAL DESCRIPTION: Lot 2C, a portion of Lot 2 of Tract 1A1 of Majestic Heights, consisting of a portion of Lot 2 of Tract A1 of majestic Heights, being a portion of Lot 2A-2 of Lot 2A of Lots 1 and 2 of Lot A of Woodbine Placer M.S. 1208, and a portion of Tract A of Majestic Estates Outside of City Limits; consisting of Tacts 1,2,3,4 of Carlisle Mille Subdivision, being portions of the Splitail and Mathilda Placers of M.S. 920, portions of the Deadwood and Delaware placers of M.S. 685, and a portion of the Dotson Placer M.S. 1208; the remainder of the Thor and Sawdust Placer M.S. 1208; the Pilot Knob Fraction, Cotton and Unruh Lodes of M.S 1447; Lot 2 of the remainder of the Columbia Placer of M.S. 1208 and Mineral Survey. 788 consisting of Dale placer; all located in the SW ¼ of Section 13, the SE ¼ and NE ¼ of Section 23, the NE ¼, NW ¼, SW ¼ and SE ¼ of Section 24 and the NE ¼ and NW ½ of Section, T5N, R3E. VICINITY LOCATION: Boulder Canyon SUMMARY: Multiple Small Cabins ZONING: HSC ACREAGE: 2.00+/- PARCEL ID: 26046-00503-020-30. The applicant explained the concept for the cabins would be destination themes and a couples getaway. Vogt said that the access is not a county road, so a letter from the road district will be required.

**PZ PH: Oct 6, 2022, @ 1:30 p.m.**

**INFORMATIONAL MEETING:** COZ 354 APPLICANT: Black Hills LLC/Steel Wheel Campground LEGAL DESCRIPTION: Tract C of Rally Park Addition, formerly a portion of HES 297 and Tract D Revised, formerly Tract D of HES 297, located in Sections 18 & 19, T4N, R4E. VICINITY LOCATION:

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Hwy 385 SUMMARY: Expand RV sites and cabins from the existing campground ZONING: PF to RC ACREAGE: 11.41+/- PARCEL ID: 14020-00404-190-30. The applicant was present and said that there would be no impact on the roads. It will be for seasonal camping and will have no new signage.

**PZ PH: Oct 6, 2022 @ 1:30 p.m.**

**RECOMMENDATION MEETING:** VAR 203 APPLICANT: Adam & Jennifer Masters LEGAL DESCRIPTION: Tract 3A of the Summer Place Tracts, formerly Tract 3 of the Summer lace tracts, being a part of HES 111, located in the SW ¼ SE ¼ of Section12, T2N, R4E. VICINITY LOCATION: Rochford Road SUMMARY: Requesting a 10' variance to the 25' front setback for a new barn/residence ZONING: PF ACREAGE: 15 PARCEL ID: 04000-00204-123-03. The applicants were present and said they realized that they would be building within the setback of some powerlines and that they expense to bury the lines great. Vogt shared that the floodplain studies have been done, and the variance is needed to keep the new building out of the floodplain. This request meets the requirements for a Variance.

Moved-Seconded (Stone-Whalen) motion to Approve VAR #203 because it meets the ordinances' considerations per Lawrence County Zoning Ordinance Chapter 16. Roll Call Vote: Aye: 4 - Stone, Tysdal, Whalen, B Ewing; Nay: 1-Schenk. Motion Carried.

**CC PH: September 27, 2022, @ 9:45 am**

**AMENDED PRELIMINARY PLAT ~ APPLICANT:** Kloss Development LEGAL DESCRIPTION: Dakota Highlands Estates (Approx 55 lots) VICINITY LOCATION: Whitewood SUMMARY: Amendment to road entry on preliminary ZONING: PF PARCEL ID: 22000-00604-231-10 and 22000-00604-233-15. The amended change is the entry road is different from the original preliminary plat. Vogt shared concerns from letters sent by a neighboring landowner.

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

**PRELIMINARY & FINAL PLAT ~ APPLICANT:** Stephen & Celeste Parker; Dale & Julie Eidem and John & Karen Marchiando LLC LEGAL DESCRIPTION: Lot 13R; 9R and 23 R in Victoria Valley Estates Section 17, T5N, R2E (legal shortened) VICINITY LOCATION: Spearfish Canyon SUMMARY: Lot line revisions ZONING: PF PARCEL ID: 26780-01887-000-50; 27; 39.

Moved-Seconded (Stone-Schenk) motion to Approve the Plat as Exempt from fireplan. Motion Carried.

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

Moved-Seconded (B Ewing-Schenk) motion to Approve the Final Plat. Motion Carried.

**FINAL 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/1st Final ZONING: PF PARCEL ID: 06000-00301-354-10.

Moved-Seconded (Stone-Whalen) motion to Approve the Final Plat with recommendations staff.

1. 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. 2. The fire plan must be

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completed prior to any final plats being approved. 3. The as-builts for the road provided and an inspection done by Staff. Motion Carried.

**FINAL PLAT** ~ APPLICANT: Maitland Partners LLC LEGAL DESCRIPTION: Plat of Lots 103, 106, 107 and 109 and dedicated public ROW Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots/1st Final/Bonding/Road Infrastructure finalization ZONING: PF PARCEL ID: 26720-01754-000-50, 26680-01678-000-10, 26720-01754-000-00. Engineer Allan Schreier was present to give an update on the phasing.

Moved-Seconded (Stone-Whalen) motion to Approve the Final Plat with the condition that the tree removal bond is approved by the County Commission. Motion Carried.

**PRELIMINARY PLAT** ~ APPLICANT: Shining Dawn Element, LLC LEGAL DESCRIPTION: Plat of Tract of A and Tract B, a subdivision of McLeod M.S. 1153 located in Section 18, T4N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: Subdivision/Fire Plan needs to be implemented ZONING: RC PARCEL ID: 26420-01153-00-05. Fire mitigation work will need to be completed if it is not before a final plat will be approved. The lots are at the old Presidents Park entrance.

Moved-Seconded (Stone-B Ewing) motion to Approve the Preliminary Plat. Motion Carried.

**FINAL PLAT** ~ APPLICANT: BH Development LLC LEGAL DESCRIPTION: Tract BLM and Common Area of the Subdivision of Common Area A of Powder House Pass located in Nile, Cairo & Cairo No 6 M.S. 1834 situated in the S ½ of Section 8, T4N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: BLM land transfer ZONING: PUD PARCEL ID: 26450-00000-000-10. The new lot is part of a land swap with the BLM.

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

**PRELIMINARY & FINAL PLAT** ~ APPLICANT: BH Properties LLC LEGAL DESCRIPTION: Lots 12-16, Blk 12 and Dedicated Public ROW of Trailside Addition of Powder House Pass Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots/infrastructure is bonded ZONING: PUD PARCEL ID: 26450-00200-000-00. Vogt gave an update on the development phasing.

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

Moved-Seconded (Whalen-B Ewing) motion to Approve the Final Plat. Motion Carried. Stone Abstained.

Items from Planning & Zoning Board Members:

Referring to Item C. Tysdal asked about other B&B businesses in the area. Vogt said that they are all Air B&B vacation rentals that are not regulated at this time.

Public Comment:

Curly(Delayne) Parlet, a neighbor to the new Kloss development from Item G, presented to the Board photos of roads that he sees as too steep to be safe access to Dakota Highlands Estates. The Board referred him to the next County Commission meeting on Sept. 6, 2022, for discussion, as they can make decisions

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about such matters.

Adjourn: 3:04 PM

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_

Rick Tysdal, CHAIRMAN

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_

Julie Stone, ACTING- SECRETARY