

**LAWRENCE COUNTY PLANNING & ZONING BOARD  
MINUTES OF: October 5, 2023 REGULAR MEETING**

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The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday October 5, 2023, at 1:30 P.M.

**Present:** Kelly Fuller, Rick Tysdal, Bob Ewing, Mike Whalen, and Travis Schenk.

**Absent:** TJ Ewing and Timm Comer

**Moved-Seconded (Schenk - B Ewing)** to approve the Regular Meeting Minutes for the September 7, 2023 meeting. Motion Carried.

**Moved-Seconded (B Ewing - Schenk)** to approve the Agenda. Motion Carried.

**Conflicts:** None.

**PLATS:**

**FINAL PLAT ~ APPLICANT:** Salmon's Inc % Don Hausle **LEGAL DESCRIPTION:** Tract 1A and Tract 1B of HES 68, formerly Tract 1 of Lot A of HES 68, all located in Section 7, Section 17 and Section 18, T3N, R4E. **VICINITY LOCATION:** Hwy 385 **SUMMARY:** Creation of a new lot - Fire Plan submitted and completed **ZONING:** PF **PARCEL ID:** 09000-00304-180-20

Vogt stated lot 1B is where the house will be, which is being split off from the larger 1A lot.

**Moved-Seconded (B Ewing - Whalen)** motion to approve the Final Plat. Motion Carried.

**FINAL PLAT ~ APPLICANT:** JCJ, LLC **LEGAL DESCRIPTION:** Lot 4A and 1A-1 of Majestic Estates; Formerly Lots 1A of Majestic Heights and a Portion of Lots 4 MS 166 (legal shortened) **VICINITY LOCATION:** Boulder Canyon/Mattson Lane **SUMMARY:** Lot line change - Fire Plan previously submitted **ZONING:** HSC **PARCEL ID:** 26046-00503-010-00 and 26280-00166-000-30

Vogt stated Koth is no longer an owner which is changing from the previously approved preliminary. The CUP will sit on the HSC portion of the property.

**Moved-Seconded (Schenk - B Ewing)** motion to approve the Plat as Exempt. Motion Carried.

**Moved-Seconded (B Ewing - Whalen)** motion to approve the Final Plat. Motion Carried.

**PRELIMINARY ~ APPLICANT:** Tomahawk Country Club & Sawyer Memorial % John Arleth **LEGAL DESCRIPTION:** Tomahawk Tract A, Consisting of the Tomahawk Tract, Formerly a Part of HES No. 66 and HES No. 57 of Section 19; Lot 1 of Norwood No. 4, Part of Norwood No. 5 and No. 6 of MS 1372 (Shortened legal) **VICINITY LOCATION:** SD Hwy 385 **SUMMARY:** Adjust property lines for building setback - Fire Plan Exempt **ZONING:** PF **PARCEL ID:** 14000-00404-300-50

Vogt stated this plat is to adjust property lines to bring buildings into compliance as well as creating boundary tracts.

Bradley Limbo stated there may be adjustments made to the ROW depending on SDDOT.

**Moved-Seconded (B Ewing - Schenk)** motion to approve the Plat as Exempt. Motion Carried.  
**Moved-Seconded (Whalen - Fuller)** motion to approve the Preliminary Plat. Motion Carried.

**PRELIM & FINAL ~ APPLICANT:** James & Donna Willson and Crook Mtn. Angus Ranch **LEGAL DESCRIPTION:** Plat of Tract W1 and Tract W2 of Willson Subdivision, Former CMAR Tract and a Portion of E1/2NW1/4 of Section 34, Located in the E1/2NW1/4 of S34, T6N, R4E (Shortened Legal) **VICINITY LOCATION:** Crook Mtn Rd **SUMMARY:** Lot line change - Fire Plan exempt **ZONING:** PF **PARCEL ID:** 22000-00604-344-30 & 22000-00604-344-35

Vogt stated they are putting all of the structures on one lot and there is existing access.

**Moved-Seconded (Schenk - B Ewing)** motion to approve the Plat as Exempt. Motion Carried.  
**Moved-Seconded (B Ewing - Whalen)** motion to approve the Preliminary Plat. Motion Carried.  
**Moved-Seconded (Whalen - B Ewing)** motion to approve the Final Plat. Motion Carried.

**PRELIM & FINAL ~ APPLICANT:** Lee & Nancy Nelson **LEGAL DESCRIPTION:** Lot 1A Formerly Lot 1 of Harrold MS 1555 and Lot 1 of Lottie MS 1555, a Subdivision of Harrold and Lottie MS 1555 (Shortened Legal) **VICINITY LOCATION:** White Forest Rd **SUMMARY:** Combine Lots - Fire Plan Exempt **ZONING:** PF **PARCEL ID:** 26620-01555-000-41 & 26620-01555-010-10

Vogt stated easements will remain in place, they are combining lots.

**Moved-Seconded (Schenk - B Ewing)** motion to approve the Plat as Exempt. Motion Carried.  
**Moved-Seconded (Whalen - Fuller)** motion to approve the Preliminary Plat. Motion Carried.  
**Moved-Seconded (B Ewing - Whalen)** motion to approve the Final Plat. Motion Carried.

**PRELIM & FINAL ~ APPLICANT:** BH Development & Powder House pass **LEGAL DESCRIPTION:** Plat of Lots 2 and 3 of Block 10 of Trailside Addition, Formerly a Portion of Tract B1R Revised of Wilderness Estates 2nd Addition and a Portion of Block 10 of Trailside Add (Shortened Legal) **VICINITY LOCATION:** Powder House Pass **SUMMARY:** New & Replat of Lots - Fire Plan previously submitted **ZONING:** PUD **PARCEL ID:** 26452-00403-010-00 & 26455-00200-000-25

Vogt stated this plat is an adjustment of a previous plat that was not recorded and that access will come from the S/D road and not the highway.

**Moved-Seconded (B Ewing - Fuller)** motion to approve the Preliminary Plat. Motion Carried.  
**Moved-Seconded (Whalen - Fuller)** motion to approve the Final Plat. Motion Carried.

**APPLICATIONS:**

**PUBLIC HEARING ~ CUP #488 OWNER/APPLICANT:** JCJ LLC **LEGAL DESCRIPTION:** Part of Lot 4 and Lot 1A of Tract A1A of Majestic Heights located in Section 24, T5N, R3E. **VICINITY LOCATION:** Hwy 14A/Boulder Canyon **SUMMARY:** Campground **ZONING:** HSC/PF **PARCEL ID:** 26280-00166-000-30 and 26046-00503-010-00 **ACREAGE:** 16.26 acres

Vogt summarized that just this morning she heard from Kevin Kuchenbecker with the City of Deadwood and he stated that he does have some concern regarding the disturbance of the slag pile. Plus, the DOT has not approved the access, so staff suggests that the staff report be amended and requests this application to be continued until the next meeting in order for the applicant to get these questions answered.

**Proponents:** None.

**Opponents:**

Alan Meehan, 11739 W. Three Bar Cir., has concerns due to visual appearances, home values, noise, and transients, safety on the road, fire, geotechnical stability, DUI increases, and environmental degradation and land destruction. He does not feel it meets the Comprehensive Plan, and he fears it will affect his and his neighbors rights of Quiet Enjoyment.

Letter submitted by Deb Davis, 11753 W. Three Bar Cir. stating concerns with the direction of Boulder Canyon, the way of life for the current residents, and the preservation, challenges, and opportunities of Lawrence County.

**Moved-Seconded (B Ewing- Schenk)** motion to Continue CUP #488 until November 2, 2023 to allow applicant to get questions answered regarding ESA; slag pile & DOT approach.

**INFORMATIONAL MEETING ~ COZ #363 OWNER/APPLICANT:** Isaac Almanza/Rick Weller  
**LEGAL DESCRIPTION:** SW ¼ SE ¼ NW ¼ SE ¼ - E ½ SE ¼ NW ¼ SE ¼ - E ½ NE ¼ NW ¼ SE ¼ - NE ¼ SE ¼ - NE ¼ SW ¼ SE ¼ - N ½ SE ¼ SE ¼ - N ½ N ½ SE ¼ SW ¼ SE ¼ - N ½ N ½ S ½ SE ¼ SE ¼ - SE ¼ NE ¼ of Section 10, T6N, R3E. **VICINITY LOCATION:** Spearfish North **SUMMARY:** Rezone for future residential development **ZONING:** A-1 to RR **PARCEL ID:** 21000-00603-104-10 **ACREAGE:** 130 acres

Vogt stated density would go to an 8 per 40 instead of the current 1 per 40, and the platting for this property will go through the City of Spearfish. **(PZ Public Hearing for November 2, 2023 at 1:30 pm)**

**INFORMATIONAL MEETING ~ ORD 23-03 OWNER/APPLICANT:** Zach Nelson/Gold Standard Cabinetry Inc **LEGAL DESCRIPTION:** All HSC Zoning Districts **VICINITY LOCATION:** All HSC Zoning Districts **SUMMARY:** Coffee and Food Stand Permit as an Allowed Special use in the HSC District **ZONING:** HSC/PF **PARCEL ID:** all County Parcels zoned HSC

Vogt stated the property owner owns Gold Standard Cabinetry. They would like to put in a drive through coffee stand. Currently there is no ordinance for a drive through coffee stand, and so they are requesting it be added to HSC zoning. **(PZ Public Hearing for November 2, 2023 at 1:30 pm)**

**ITEMS FROM PLANNING & ZONING BOARD MEMBERS:**

Tysdal requested opinions on the process of Public Hearings to allow more questions/discussions to take place more freely. The Board agreed to try next month. We will also start doing a sign up sheet for those wanting to speak.

Whalen asked about ATV/trailer conditions.

Vogt gave a status update on the subdivision ordinance updates.

**PUBLIC COMMENT:**

Ron Moeller, 11221 Sheep Tail Gulch, offered possible assistance from fire districts.

Alan Meehan, 11739 W. Three Bar Cir. following up the CUP #488 discussion that the Board is welcome to come visit his property to see what he is seeing in regards to the view.

**SET DATE AND TIME FOR NEXT MEETING:** Thursday, November 2, 2023 at 1:30 PM

**ADJOURN: 2:43 pm**

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

Rick Tysdal, CHAIRMAN

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

Kelly Fuller, SECRETARY