

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF: OCTOBER 6, 2022
REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, Oct 6, 2022, at 1:30 P.M. in the Commission Meeting Room, 90 Sherman St, Deadwood, SD.

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

Moved-Seconded (Schenk-TJ Ewing) to approve the Regular Meeting Minutes for the Sept 1, 2022 meeting. Motion Carried.

Moved-Seconded (Stone-Schenk) to approve the Agenda with removing Item M. Motion Carried.

Conflicts: Stone-Item Q: Powder House Pass- CID Annexation of property.

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

PUBLIC HEARING: 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 1/4 of Section 13, the SE 1/4 and NE 1/4 of Section 23, the NE 1/4, NW 1/4, SW 1/4 and SE 1/4 of Section 24 and the NE 1/4 and NW 1/3 of Section, T5N, R3E. **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Multiple Small Cabins **ZONING:** HSC **ACREAGE:** 2.00+/- **PARCEL ID:** 26046-00503-020-30. They are requesting five treehouse cabins for nightly rentals. The property water service is a well system. Conditions #24-27 added. No ATVs/UTVs exiting from the property that is not on trailers.

Proponents: None.

Opponents: Deb Davis, 11753 E Rebar Circle, questioned if there will be a resident of the property onsite 24/7.

Proponents: The applicant Jeremy Williams said they would follow the condition to have someone on-site.

Opponents: None.

Moved-Seconded (B. Ewing- Stone) motion to add Condition #28, No ATVs/UTVs exiting from the property that is not on trailers, to CUP #481. Motion Carried.

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Moved-Seconded (B. Ewing- Schenk) motion to Approve CUP #481 per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

CC PH: October, 2022, @ 9:00 a.m.

PUBLIC HEARING: 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: 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. A development plan will be required for the expansion of the campground. Vogt shared a letter from the neighbor Trevino that was included in the packet.

The applicant was present via Go-To-Meeting.

Proponents: None.

Opponents: None.

Proponents: None.

Opponents: None.

Moved-Seconded (B Ewing-Stone) motion to Approve COZ #354 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

PZ PH: Oct 25, 2022 @ 9:15 a.m.

RECOMMENDATION MEETING: VAR #205 APPLICANT: Kissack Water & Oil Services
LEGAL DESCRIPTION: Kissack Tract being a subdivision of the SE 1/4 NE 1/4, NE 1/4 SE 1/4, and a portion of S 1/2 SE 1/4 all located in Section 8, T6N, R4E. VICINITY LOCATION: Hwy 34 SUMMARY: Requesting a variance for a 3390 ft cul de sac that exceeds the required 800 ft cul-de-sac length serving 3-10 lots ZONING: A-2 ACREAGE: 150 +/- PARCEL ID: 22000-00604-083-30. The applicant was present to answer questions. A layout plan was presented and discussed with P&Z and County Commission in September. Vogt said that the request is excessive compared to any other requests dealing with a road. Schenk referred to the ordinance as it is now.

Moved-Seconded (Fuller-Schenk) motion to Deny VAR #205 because it does not meet the considerations per Lawrence County Zoning Ordinance Chapter 16 and the exorbitant length of the proposal. Roll Call Vote: Aye: 5 -Fuller, Tydal, Stone, Schenk, TJ Ewing; Nay: 2-B. Ewing, Whalen. Motion Carried.

CC PH: Oct 25, 2022, @ 9:30 a.m.

INFORMATIONAL MEETING: COZ 355 APPLICANT: Jet & Mallory Mills
LEGAL DESCRIPTION: SW 1/4 SW 1/4 of Section 12, T6N, R1E. VICINITY LOCATION: West

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Spearfish SUMMARY: Subdivision ZONING: A-1 to PF ACREAGE: 40 +/- PARCEL ID:19000-00601-124-05. Nathan Chicoine of Demersseman, Jensen, Tellinghuisen & Huffman Law was present as a representative of the applicants. Owners want to subdivide a 5 acres parcel for Ms. Mills' parents to build a residence.

PZ PH: Nov 3, 2022, @ 1:30 p.m.

FINAL PLAT ~ APPLICANT: Dakota Energy & Resources Inc **LEGAL DESCRIPTION:** Lots 1 and 2 of Jack Redden Subdivision (formally M.S. 2206, Alsop Lode No 7) in Section 27, TN, R5E. **VICINITY LOCATION:** Nemo Road **SUMMARY:** Creating lot to transfer to SD Board of Regents **ZONING:** PF **PARCEL ID:** 26910-02206-000-10. The required 40 ft easement is now in place.

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Boulder Canyon Country Club **LEGAL DESCRIPTION:** Clubhouse Tract, Outlot B and 66' wide ROW known as Stagecoach Trail in Block 18 of the Apple Springs; (legal shortened) in Section 14, T5N, R4E. **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Creating the clubhouse area **ZONING:** PF **PARCEL ID:** 18000-00504-141-00; 18010-00000-000-10; 18010-00000-000-20.

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

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

FINAL PLAT ~ APPLICANT: 4 Bears in the Hills LLC **LEGAL DESCRIPTION:** Lots 1-7, Blk 19 and dedicated public ROW of Apple Springs Sub; formerly part of Apple Springs Tract; located in the SW 1/4 W 1/4 of Section 11, T5N, R4E. **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** 1st Final New Lots **ZONING:** PF **PARCEL ID:** 18010-00000-000-10. The County Commission approved the bond for the subdivision in September.

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

AMENDED PRELIMINARY & FINAL PLAT ~ APPLICANT: 4 Bears in the Hills LLC **LEGAL DESCRIPTION:** Lots 8-11, Blk 19 and dedicated public ROW of Apple Springs Sub; formerly part of Apple Springs Tract; located in the SW 1/4 W 1/4 of Section 11, T5N, R4E. **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Creating the clubhouse area **ZONING:** PF **PARCEL ID:** 18010-00000-000-00.

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

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

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FINAL PLAT ~ APPLICANT: 4 Bears in the Hills LLC **LEGAL DESCRIPTION:** Lots 1A, Blk 16 of Apple Springs Sub; formerly Lots 1 and 2, of Blk 16 and part of the Apple Springs Tract all in the SE 1/4 SE 1/4 SW 1/4 of Section 11, T5N, R4E. **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Replat of lots **ZONING:** PF **PARCEL ID:** 18010-01600-020-00; 18010-01600-010-00; 18010-00000-000-00.

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

FINAL PLAT ~ APPLICANT: Kloss Development **LEGAL DESCRIPTION:** Lots 1-9 and 31-42 of Dakota Highlands Estates located in the E 1/2, Section 23, T6N, R4E. **VICINITY LOCATION:** Whitewood **SUMMARY:** First final of the subdivision **ZONING:** PF **PARCEL ID:** 22000-00604-231-10 and 22000-00604-233-15.

Moved-Seconded (Stone-Whalen) motion to Approve the Final Plat. Roll Call Vote: Aye: 6 - Fuller, Tydal, Stone, Schenk, TJ Ewing, Whalen; Nay: 1-B. Ewing. Motion Carried.

FINAL PLAT ~ APPLICANT: Aberle Development **LEGAL DESCRIPTION:** Lot 36 of Sugarloaf Village, formerly a portion of the Cheyenne Crossing Village Tract (legal shortened) all located in Section 19, T4N, R3E. **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Final lot **ZONING:** PF **PARCEL ID:** 26470-01200-000-00.

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Dale H. Hall, Trustee of the Dale H. Hall Revocable Trust **LEGAL DESCRIPTION:** Plat of Tracts 1 and 2 a subdivision of HES 121 located in the SW 1/4 of Section 26 and the SE 1/4 of Section 27, T4N, R3E. **VICINITY LOCATION:** Brownsville Rd **SUMMARY:** Subdivision/Fire Plan needs to be implemented **ZONING:** PF **PARCEL ID:** 13000-00403-270-00.

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

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

FINAL PLAT ~ APPLICANT: Maitland Partners LLC **LEGAL DESCRIPTION:** Plat of Lot 117 Paradise Acres IV in Section 18, T5N, R3E (legal shortened) **VICINITY LOCATION:** Maitland Road **SUMMARY:** New lot/bonding **ZONING:** PF **PARCEL ID:** 26720-01754-000-50, 26680-01678-000-10, 26720-01754-000-00. The fire plan has been bonded and approved per the County Commission.

Moved-Seconded (Stone-Whalen) motion to Approve the Final Plat. Roll Call Vote: Aye: 4 -B. Ewing, Stone, TJ Ewing, Whalen; Nay: 3-Fuller, Tydal, Schenk. Motion Carried.

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PRELIMINARY & FINAL PLAT ~ APPLICANT: David and Maxine Tronnes and High Peak Homes LLC **LEGAL DESCRIPTION:** Plat of Lot 9A and Lot 12 A of Bellefish Sub No 1 (legal shortened) located in Section 19, T5N, R3E **VICINITY LOCATION:** Maitland Road **SUMMARY:** Lot Line change between neighboring lots **ZONING:** PF **PARCEL ID:** 26760-01828-000-00 and 26694-01677-000-09 and 26694-01677-000-12.

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

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

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

Items from Planning & Zoning Board Members:

Powder House Pass- CID Annexation of additional property: Vogt informed the Board that there had been an application received to add acreage to the CID. Stone Abstained.

2:20 PM: 5-minute break

Ordinance Revisions/Admin Zoning Changes:

Vogt shared the list of items the P&Z Board will need to address in work sessions over the coming fall and winter. Ewing explained his know vote on the item was due to road safety.

Public Comment: Dalayne Parlet discussed traffic safety and the Item K plat for Dakota Highland Estates. Ewing explained his know vote on the item was due to road safety. Vogt said that the preliminary plat and road plans meet the County criteria for design and were approved. The County does not look at some criteria if the road is not a County maintained road.

Adjourn: 3:40 PM

APPROVED: _____ Date: _____
Rick Tysdal, CHAIRMAN

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY