

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF October 14, 2021 **REGULAR MEETING**

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Acting Chairman Travis Schenk on Thursday, October 14, 2021, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Travis Schenk, Mike Whalen, Amy Allen, and Julie Stone.

Absent: Rick Tysdal & Bob Ewing

Moved-Seconded (Stone-Whalen) to approve Travis Schenk as Acting Chairman of this meeting. Motion Carried.

Moved-Seconded (Allen-Whalen) to approve the Regular Meeting Minutes for the September 2, 2021 meeting. Motion Carried.

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

Conflicts: Items I, L & M- Stone and Items I- Allen.

FINAL PLAT- Isaac Almanza

Lots 1, 2, 3, 16, 17, 18, 19, 20, 22, 23, 24, 25 of Lost Meadows Subdivision, being a portion of HES 497, located in Section 31 & 32, T2N, R1E VICINITY LOCATION: Hwy 85 SUMMARY: Matches preliminary plat ZONING: PF PARCEL ID: 06000-00301-320-00.

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

PRELIMINARY & FINAL PLAT - Randall & Mary Wilson, Trustees and Aberle Development Co
Lot 37A of Sugarloaf Village Section 19, T4N, R3E and Section 24, T4N, R2E VICINITY LOCATION: Hwy 85 SUMMARY: Lot line change to make lot bigger ZONING: SRD PARCEL ID: 26475-01200-370-00 and 26470-01200-000-00.

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

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 - William Pearson and Wayne & Marlene Slothouber
Lots 4A-1 and A1-1 of the Estates at Pillar Peak Section 20 and 21, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Replat lot lines between existing lots ZONING: PF PARCEL ID: 18130-00100-000-00 and 18130-00000-040-00.

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

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 - David Winter/Neubaum Properties
Lots 2A-1 and 2B-1 of Majestic Heights, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of existing lots ZONING: PF & HSC PARCEL ID: 26046-00503-020-20 and 26046-00503-020-10.

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

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

FINAL PLAT - David Winter

Lots 1-3 of Tract A2 of Majestic Estates, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY

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LOCATION: Boulder Canyon SUMMARY: 1st New lots in this tract ZONING: PF PARCEL ID: 26045-00503-200-00.

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

FINAL PLAT - David Winter

Lot 1 of Tract A4 of Majestic Estates, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF PARCEL ID: 26045-00503-400-00.

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

PRELIMINARY - 4 Bears in the Hills LLC

Lots 1-4 Blk 18 of Apple Springs Subdivision, Section 14, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Create new lots for future condos ZONING: SRD PARCEL ID: 18010-00000-010-00.

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

BOUNDARY/FINAL PLAT - Golden Reward Mining Co

Tract GR located in Section 18, T4N, R3E. (Legal shortened) VICINITY LOCATION: HWY 85 & 14A SUMMARY: Boundary Plat ZONING: PF PARCEL ID: 26420-01153-000-10 and 26460-01200-000-10.

Moved-Seconded (Whalen-Fuller) motion to approve the Final Plat. Motion Carried. Stone & Allen not voting.

PRELIMINARY & FINAL PLAT - Ronald & Karen Brandt

Tracts 1A, 1B and 2A a subdivision of Dublin Lode M.S. 1678 located in the NW ¼ of Section 17, T5N, R3E. VICINITY LOCATION: Maitland Rd SUMMARY: Lot line adjustments/new lots ZONING: PF PARCEL ID: 26680-01678-000-08 and 26680-01678-06.

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 - Harry & Barbara Ayer; Meg Hehner; Connie Ayer

Tract H-1, H-2, H-3 of the Tam Johnson in Section 12 & 13, T3N, R4E VICINITY LOCATION: Nemo/Benchmark Rd SUMMARY: Re-plat of existing acreages to stay within the family ZONING: PF PARCEL ID: 09000-00304-130-10; 09000-00304-130-00; 09000-00304-120-15.

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

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

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

FINAL PLAT - BH Development LLC

Tank Lot, Lots 8-11 and 15 and 17-24, Blk 5; Lots 3 Blk 7; Lots 12, 13, 17, 20, 21, 30 and 39-39, Blk 8; Lots 5, 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. Legal Description changed to add Lot 31 Blk 8 prior to the meeting the agenda had already been posted.

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

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FINAL PLAT - Legacy Enterprises, Inc

Lots 1A and 1B of Tract 3 of Powder House Pass Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lot ZONING: PUD PARCEL ID: 26450-00300-010-00.
Moved-Seconded (Whalen-Allen) motion to approve the Final Plat. Motion Carried. Stone not voting.

PRELIMINARY & FINAL- Keith Grendahl and Kathleen Joyce Grendahl

Lot 45A, a sub of Tract K of Paradise Acres 11, Section 7, 8, 17, 18, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Rd SUMMARY: Lot combination ZONING: PF PARCEL ID: 26683-01678-450-00 and 26683-01678-460-00.

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

PUBLIC HEARING: CUP # 467 APPLICANT: Mike Kindzerski/Pam Brewer/Muley Hill Lodge LLC Lot 7B of Lot 7, being a part of Lot 7 located in the NE ¼ of Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: The applicant is requesting a CUP for the construction of 8 RV campsites located next to an existing shop building to be used in conjunction with the existing wedding venue CUP ZONING: PF ACREAGE: 4.4 acres PARCEL ID: 17000-00503-240-34.

Proponents: The applicant Mr. Kindzerski explained the application and the planned access using Mattson Lane. Troy Schultes, 20824 Mattson Ln and David Winter, 11760 Dublin Ln, both expressed support for the CUP.

Opponents: Donna Johnstone, 20845 Legacy Pl, shared concerns about the current well-share agreement and covenants.

Proponents: Kindzerski addressed the well-share agreement and said he will be using a different well for all of his properties and will not be using the shared well but will remain a shareholder since the well is on his property. He stated that he should be off of the current well by March 2022.

Opponents: None.

Discussion: The Board discussed the well and septic, adding a condition about the well usage.

Moved-Seconded (Whalen-Stone) motion to Approve CUP #467 with the addition of condition #32 referring to the development plan, per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

CC Public Hearing: October 26 @ 9:00 am

PUBLIC HEARING: CUP # 468 APPLICANT: Mike Kindzerski/Pam Brewer/Muley Hill Lodge LLC Tract 37 and Lot A, a sub of Tract 37; Lot 7A and Lot 7B of Lot 7, being a part of Lot 7 located in the NE ¼; Lot 8A-1, being a part of Lot 8A and part of Lot 7; Lot 9A-1, being a part of Lot 9A and part of Lot 2A of Lots 1 and 2 of Lot A, all located in Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: The applicant is requesting a CUP for the operation of trail rides/sleigh rides/wagon rides; boarding of horses and equestrian events ZONING: PF ACREAGE: 56 acres PARCEL ID: 17000-00503-240-25; 17000-00503-240-32; 17000-00503-240-34; 26500-01208-000-08; 26500-01208-000-09 and 17000-00503-240-10. Vogt indicated that if the applicants use Forest Service /BLM or other private property, they must have the proper permits/permission.

Proponents: The applicant specified that they plan to do weekday carriage and sleigh rides. They do not want to increase traffic on Legacy Place. Mattson Ln will be the access road.

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Opponents: Larry Crawford, 20842 Legacy Pl, shared concern that the applicant may violate the covenants on the property about dust control. Sharon Woodle, 20834 Legacy Pl, questioned the meaning of the wording “equestrian events” concerned about high traffic events.

Proponents: Mr. Kindzerski explained that there would be no rodeos or roping events

Opponents: Donna Johnstone, 20845 Legacy Pl, voiced concern about hours of operation. Vogt informed her that the hours listed in the conditions are standard operating hours for CUP’s.

Discussion: Whalen expressed the need to define “events,” and Allen suggested adding the new well use as a condition. Conditions added or changed were #29 regarding the internal road dust control. #32 to direct traffic to Mattson Ln only. #33 adding that events need a Temporary Use Permit. #34 adding the well-usage condition.

Moved-Seconded (Allen-Stone) motion to Approve CUP #468 with updates to conditions outlined by the board per Lawrence County Zoning Ordinance Chapter 19. Motion Carried.

CC Public Hearing: October 26 @ 9:15 am

INFORMATIONAL MEETING: CUP # 469 APPLICANT: Troy Schultes

Tract 2A-1, being a part of Lot 2A Lots 1 and 2 of the subdivision of Woodbine Placer M.S. 1208, located in the NE ¼ of Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon/Mattson Lane

SUMMARY: The applicant is requesting a CUP for the operation of a campground to consist of 4 RV hookups. ZONING: PF ACREAGE: 3.33 acres PARCEL ID: 26500-01208-000-66. Vogt explained that the RV sites have existed for a long time but could not be used commercially. The applicant would like to rent them out now. The applicant stated that he would like to continue on the present well-share. Schenk asked if there was an issue with the well running out of water. The neighbors present said there is no issue.

PZ Public Hearing: November 4, 2021, @ 1:30 pm

DISCUSSION ITEMS:

None.

Items from Planning & Zoning Board Members:

None.

Public Comment:

None.

Adjourn: 2:55 PM

APPROVED: _____ Date: _____

Travis Schenk, ACTING CHAIRMAN

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY