

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF JUNE 4, 2020

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, June 4, 2020, at 1:30 P.M. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD. During the pendency of the Coronavirus pandemic, remote public participation at meetings is being facilitated using GoToMeeting.

Present: Rick Tysdal, Daryl Johnson, Amy Allen, Julie Stone, Kelly Fuller, Mike Whalen, and Travis Schenk

Absent: None.

All motions passed by a unanimous Roll Call Vote of all members present unless otherwise noted.

Moved-Seconded (Fuller- Stone) to approve the minutes of the May 7, 2020, meeting.

Roll Call Vote; Aye: 7- Fuller, Tysdal, Allen, Johnson, Whalen, Stone, Schenk; Nay: 0. Motion Carried.

Moved-Seconded (Stone-Fuller) to approve the Agenda. Roll call vote: Aye: 7 -Fuller, Tysdal, Allen, Johnson, Whalen, Stone, Schenk; Nay: 0. Motion Carried.

Declaration of Conflicts of Interest: None.

Final Plat - Maitland Partners LLC

Lot 63 of Tract K of Paradise Acres II, Section 18, 7,8 and 17, T5N, R3E (legal shortened)

VICINITY LOCATION: Maitland Rd. **SUMMARY:** New lot in subd. Matches the preliminary plat

ZONING: PF **ACREAGE:** 3.221 acres **PARCEL ID:** 26683-01678-000-00.

Moved-Seconded (Johnson- Fuller) motion to approve the Final Plat. Roll call vote: Aye:

7-Fuller, Tysdal, Allen, Johnson, Whalen, Stone, Schenk; Nay: 0. Motion Carried.

Preliminary & Final Plats- Nancy & Karl Schenk

Lot 4 of HES 417 Section 2, T3N, R4E (legal shortened) **VICINITY LOCATION:** Nemo Rd.

SUMMARY: Creating a new Lot **ZONING:** PF **ACREAGE:** 10.63 acres **PARCEL ID:**

09000-00304-030-10. Vogt recommended work overstory on a fire plan before a final plat is approved and underbrush/story to be completed before a building permit is issued.

Moved-Seconded (Stone-Johnson) motion to approve the Preliminary Plat. Roll Call Vote: Aye: 7-Fuller, Tysdal, Allen, Johnson, Whalen, Stone, Schenk; Nay: 0. Motion Carried.

Moved-Seconded (Stone-Fuller) motion to approve the Final Plat. Roll call vote: Aye: 6-Tysdal, Allen, Johnson, Whalen, Stone, Schenk; Nay: 1- Fuller. Motion Carried.

Final Plat-Arnold Rodakowski

Lot 2A of the Rambler M.S. 1950 Subd.; formerly Lots 1 & 2 of the Rambler M.S. 1950 and that portion of the Sutro Lode M.S. 1950 west of Yellowcreek Rd; all located in the W1/2 of Section

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10, T4N, R3E. **VICINITY LOCATION:** Yellow Creek Rd. **SUMMARY:** New lot **ZONING:** PF **ACREAGE:** 5.60 acres **PARCEL ID:** 26840-01950-000-12. Vogt stated that there needs to be work done on the understory for the fire plan before a building permit or certificate of Occupancy can be issued.

Moved-Seconded (Johnson-Fuller) motion to approve the Final Plat. Aye: 7- Fuller, Tysdal, Allen, Johnson, Whalen, Stone, Schenk; Nay: 0. Motion Carried.

Final Plat Aberle Development Co.

Lot 32 of Sugar Loaf Village, Section 24, T4N, R2E (legal shortened) **VICINITY LOCATION:** Hwy 85 **SUMMARY:** New lot in subd. **ZONING:** SRD **ACREAGE:** .21 acres **PARCEL ID:** 26470-01200-000-00

Moved-Seconded (Stone-Fuller) motion to approve the Final Plat. Roll call vote: Aye: 7- Fuller, Tysdal, Allen, Johnson, Whalen, Stone. Schenk; Nay: 0. Motion Carried.

INFORMATIONAL MEETING - Conditional Use Permit #453 -VMC LLC; G & L Properties now known as Limestone LLC (100 percent surface and 50 percent minerals) and the Ayes Family Trust (50 percent minerals). Atlas Development (Paul Bradsky) (25 percent), Ms. Nancy Bradsky (25 percent), Mr.Keith Smit Smith (25 percent), and Louise Chafee Revocable Trust (25 percent). Lands Owned by VMC LLC within proposed buffer zone: Hermitage, Hermitage Fraction, Hermitage No. 2, Hermitage No. 3, Hermitage No. 4 Lodes of Mineral Survey 1609 located in sections 29, 30, 31 and 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portions of the Spearfish Falls and White Ridge Lodes located of Mineral Survey 1435, Section 31, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portions of the Friar Hill and Morton Lodes of Mineral Survey 1464 located in Sections 31 and 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portion of Metallic Streak No. 1 Lode of Mineral Survey 1486 located in Section 29 and 30 as shown on Map 4; Gold Brick No. 2 and Gold Brick Fraction And portion of Gold Brick No. 1 Lodes in Section 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portion of the Ben Hur Fraction Lode of Mineral Survey 1528 located in Section 31, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portion of the Hesitation Lode of Mineral Survey 1560 in Section 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portions of the Lee No. 10, Lee No. 11, Puritan No. 5, and Puritan No. 12 Lodes of Mineral Survey 1609 located in Sections 30 and 31, Township 5 North, Range 2 East, and Section 5, Township 4 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portions of Belmont No. 1, Black Diamond, Black Diamond Fraction, Ella, McKinley and William Penn No. 1 Lodes of Mineral Survey 1651 in Sections 31 and 32 Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portions of the Betty and Donna Lodes of Mineral Survey 2111 located in Section 31, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4. Lands owned by Atlas Development (Paul Bradsky) (25 percent), Ms. Nancy Bradsky (25 percent), Mr. Keith Smith (25 percent) and Louise Chafee Revocable Trust (25 percent) within the proposed buffer zone Kuna and Transfer Gold Fraction, and portions of Lobet, Olga, Otava No. 1, Sacramento, Transfer Gold No. 1, Vodopich Fraction,

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Zanzibar and Zanzibar Fraction Lodes of Mineral Survey 1637 in Section 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4. Lands owned by G & L Properties now known as Limestone LLC (100 percent surface and 50 percent minerals) and the Aye Family Trust (50 percent minerals) within the proposed buffer zone Portions of the Sofia and Sarah Fraction Lodes of Mineral Survey 1491 in Section 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; Moda Fraction, and portions of the Dalmazia, Dom Fraction, Dom No. 1, Dom No.2 Dom No. 3, Dom No. 4, Hanshka No 1, Hanshka No. 2, and Sin Niko Lodes of Mineral Survey 1504, Sections 31 and 21, Township 5 North, Range 2 East, and Section 5, Township 4 North, Range 2 East, Black Hills Meridian as shown on Map 4; Portions of the John No. 2 and John No. 3 Lodes of Mineral Survey 1631 in Section 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4. Lands owned by James Paisley within the proposed buffer zone Portions of the Lee No. 2, Lee No. 9 and Puritan No. 6 Lodes in Section 5, Township 5 North, Range 2 East, and Section 5 Township 4 North, Range 2 East, Black Hills Meridian. Public lands managed by US Forest Service within the proposed buffer zone Portions of the Coupler and Metallic Streak No. 4 Lodes of Mineral Survey 1486 in Sections 29 and 30, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4. A portion of the Lardner and Puritan No 7 Lodes of Mineral Survey 1609 located in Section 31, Township 5 North, Range 2 East, Black Hills Meridian, as shown on Map 4. Portions of the Lee, Puritan No. 10, Puritan No. 11, Puritan No. 2, and Puritan No. 8 Lodes of Mineral Survey 1742, Section 31, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4. Portion of Puritan No. 4 Lode of Mineral Survey 1809 in Sections 30 and 31, Township 5 North, Range 2 East, Black Hills Meridian, as shown on Map 4; Page 8 A portion of the Neil B Lode of Mineral Survey 2110 located in Section 30, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4. Government Lot 8 and a portion of Government Lot 9 in Section 31, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; A portion of Government Lots 3, 4, 6, 7, 8 and 9 located in Section 32, Township 5 North, Range 2 East, Black Hills Meridian as shown on Map 4; A portion of Government Lots 8, 9 and 10 and a portion of the SE ¼ of the SW ¼, Section 29, Township 5 North, Range 2 East, Black Hills Meridian as shown in Map 3. **PARCEL ID:** Numerous Parcels (See Application Packet) **VICINITY LOCATION:** Off Wharf Mine Road/Spearfish Canyon Area **SUMMARY:** Large Scale Mineral Mining Conditional Use Permit **ACREAGE:** Multiple John Frederickson, Attorney for the applicant stated that the old mining permit from the State of South Dakota #416 is the one that will be used. Dana Bender, the permit coordinator for VMC, gave a summary of the mining permit #416 and the CUP request. He stated that this would be for a mine of smaller scope and scale with extra environmental protection measures. The road maps were reviewed, showing a boundary with thirteen pits. Allen asked about transportation/roads. Bender said they would be using smaller, gravel-size trucks and that no major road improvements will take place. Schenk asked about processing. Bender said that it will not be on-site and is yet to be determined who will do it. Currently, the state would have to approve the removal of minerals. Frederickson mentioned that the processing facility would have to get a State permit. Permit #416 was issued in 1984 and allows VMC to mine, crush and haul to Homestake. There will need to be changes/ updates to the permit. Bruce Outka brought up the issue of haul roads and said that the County would want to have agreements as part of the CUP. Stone asked about road easements, and Vogt asked that those be provided to the P&Z Office. Johnson read the August 21, 2012, County Commission minutes that stated that a report and recommendation from the

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Department of Environment and Natural Resources be sent to the County. None has been received to date. Frederickson shared that no conveyor will be set up on-site. Tysdal mentioned concerns about the social distancing guidelines and public hearings. He recommended that the public hearing be set for September 2020. Cindi Knapp board member of the Spearfish Canyon Owners Assoc. stated that the association would assist with set up for public hearings.

Moved-Seconded (Stone-Fuller) motion to set tentative Public Hearing for September 3, 2020, @ 1:30 PM. Roll call vote: Aye: 7- Fuller, Tysdal, Allen, Johnson, Whalen, Stone. Schenk; Nay: 0. Motion Carried.

On-site is set for July 2 @ 11:AM before the Scheduled P&Z Meeting at 1:30 PM

PZ Public Hearing Scheduled: September 3, 2020, @ 1:30 p.m.

DISCUSSION MEETING-Comprehensive Plan Update: Amber Vogt updated the Board on the Comprehensive Plan. Maps are still being made and will be presented with the data when ready. Public hearing dates may be set for September.

Grant Sayer - Nemo Property: Mr. Sawyer, AKA Troxell, addressed the Board about his plans to set up a horse-camp on 8 acres that he owns in West Nemo. He would like to see 6-8 RV sites with more space and quiet than the other campgrounds/resorts around Nemo. His property is close to trails that would only be used for guest horse riding. He is considering whether to close over the Sturgis Motorcycle Rally or not have horse camping during that time.

ITEMS FROM PLANNING & ZONING BOARD

None.

OPPORTUNITY FOR PUBLIC COMMENT

None.

The meeting adjourned at 3:05 PM.

APPROVED: _____ Date: _____

Rick Tysdal, CHAIR

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY