

BUTTE COUNTY PLANNING COMMISSION
BELLE FOURCHE, SOUTH DAKOTA 57717

Planning Commission Meeting- June 22, 2021

A special meeting of the Butte County Planning Commission was held on June 22nd at 7:00 P.M. in the Commissioner's Room at the Butte County Courthouse, Belle Fourche, SD.

Present were Planning Board Chairman Commissioner Harms, Planning Board Members Jim Smeenk, Darren Alexander, Heidi Lewis, Tom Cooper, Donna Jones, Planner and DOE Director Lisa Nelson.

Present as a guests were Wayne Eaton, Mark Johnson, Erica Hight, Shawn Hight, Randy Deibert with Professional Mapping and Surveying, Travis Welles, Amy Welles, Stacy Scheid, Fred Scheid, Michelle Meyers, Cory Muhm, Kevin Petterborg, Bryan Lyons, Paul Sutter and Butte County States Attorney Cassie Wendt.

Chairman Harms called the meeting to order at 7:00 P.M.

Motion made by Darren Alexander to approve the agenda. Seconded by Heidi Lewis. Vote unanimous. Motion carried.

Motion made by Heidi Lewis to approve the June 8th meeting minutes. Seconded by Darren Alexander. Vote unanimous. Motion carried.

A. PUBLIC COMMENT

Owner: Diversified Incomes, LLC (Professional Mapping and Surveying)

Plat of Lots 1-18 and 26 of Hay Creek Ranch located in Sections 17, 18, 19 & 20, T8N, R2E, B.H.M., Butte County, South Dakota.

Commissioner Harms introduced States Attorney Cassie Wendt to present her findings regarding questions raised at the June 8th meeting. Ms. Wendt addressed whether the road was private or county. Per plats dated 2006 the road is defined as public. In addition, the final plat for Bear Lodge #2 reiterated that Halle Rae Lane is a county road. She added that as for future roads planned for the subdivision the County Comprehensive Plan provides information regarding roads planned for Section 17. It was confirmed that per standard development contracts Halle Rae Lane will be returned to its present condition after the developer has completed their work. There was some discussion about wear on the road when building begins on the proposed lots, however that would not be the responsibility of the developer. At the previous meetings mention was made that the cost of paving the road had been placed on the owners. Ms. Wendt explained that the lots were offered as unpaved for a lower purchase price or paved for an increased price. She also stated that this is a common provision on purchase agreements. The owners of some of the lots that were sold prior to this arrangement wanted to be included in the option and made additional payments for the option. Tom Cooper asked about ownership of Hay Creek Road and the bridge. It was verified that Hay Creek is a county road but the bridge that connects the southern section and the northern section is owned by Diversified. There is not a plan to replace or restore that

bridge. At the June 8th meeting concerns were brought up regarding possible interference in water pressure. Ms. Wendt read a portion of the water agreement dated 11-10-04 that Sandstone water has in place stating that if water pressure drops below 8 gallons per minute the company will provide any necessary upgrades so as to maintain the 8 g.p.m requirement. The next issue discussed was whether there was an emergency egress to be provided. There is a utility easement on the western side of the proposed subdivision that could serve as an emergency exit, but it was deemed a moot point as the lots concerned in this public and final are those lying south of Hay Creek and all have access/egress along Hay Creek Road. Tom Cooper, Heidi Lewis, Kevin Petterborg and Amy Welles expressed concern that there is not a specified designated emergency exit noted on the plat for the remaining proposed lots in the northern section. It was decided that will be discussed when that phase of the subdivision is presented. Ms. Wendt then addressed the concern regarding the covenants. At the June 8th meeting there were questions as to the intent regarding any commercial use of the proposed lots. Diversified provided an amendment adjusting the verbiage of Sections 1.01, 4.03 and 5.02 that more specifically details the developer's intent. Amy Welles pointed out that the verbiage regarding livestock did not specify limiting cattle. The developer explained the clause regarding overgrazing as well as the HOA requirements would naturally preclude herds of cattle on the lots. The developer explained that the intent of this subdivision closely resembles Hat Ranch and Belle View acres, and that they used those subdivision's covenants as a template for this subdivision. Commissioner Harms pointed out that covenants can only be enforced by those within the subdivision. He understood their concerns as potential neighbors but asserted that they could not require the developer to include restrictions in their covenants. The HOA has already been formed and will be able to see that the requirements set forth in the covenants are complied with. Mr. Deibert stated that the developer has met all the requirements of the Subdivision Ordinance and asked that the board approve the plat.

C. FINAL

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Commissioner Harms asked if there was any further discussion and if not, asked if there was a motion to approve the plat. Motion made by Darren Alexander to approve and move to Final. Seconded by Commissioner Harms. Commissioner Harms called for a Roll Call Vote. Heidi Lewis-No, Tom Cooper-Yes, Darren Alexander-Yes, Jim Smeenk-Yes. Motion passed 4 to 1 to approve the plat and move to Final.

Old Business: States Attorney update on Hallie Rae Lane, already discussed in Public Comment.

New Business: none

Adjournment: Tom Cooper moved to adjourn. Seconded by Jim Smeenk. Vote Unanimous. Motion carried. Meeting adjourned at 7:53 P.M.

Respectfully Submitted: _____
Donna Jones, Butte County Planner