

**BUTTE COUNTY PLANNING COMMISSION**  
**BELLE FOURCHE, SOUTH DAKOTA 57717**

**Planning Commission Meeting- May 11, 2021**

The regular meeting of the Butte County Planning Commission was held on May 11<sup>TH</sup> 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 Smeenck, Heidi Lewis, Tom Cooper, Donna Jones, Planner and DOE Director Lisa Nelson. Present as guests were LeEllen McCartney, Butte County Civil Attorney, Cory Muhm, Kevin Petterborg, Patricia Hogen, Frank DiCesare with All Aspects Surveying, Shanon Vasknetz with Baseline Surveying, Cathy Buckmaster, Ron Floyd, Barbara Raisanen, Wayne Eaton, Rich Kokesh, Traci Nowowiejski, John F. Ternes II, Denise Ternes, Dean Montgomery, Duane Wilen, Shannon Surdez, Russ Surdez, Randy Deibert with Professional Mapping & Surveying, Alan Kindsfater, and David Kindsfater.

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

Motion made by Tom Cooper to approve the agenda. Seconded by Heidi Lewis. Vote unanimous. Motion carried.

Motion made by Jim Smeenck to approve the April 13, 2021 meeting minutes. Seconded by Tom Cooper. Vote unanimous. Motion carried.

**A. PUBLIC**

Owner: Rich Kokesh and Dan & Sue Kokesh (Interstate Engineering)

Tract D and Tract R Located in Sections 1, 2, 11 and 12, T8N, R3E, B.H.M., Butte County, South Dakota.

Commissioner Harms asked whether there were any present for or against. There were no comments.

**B. PUBLIC**

Owner: Dean & Evelyn Oakes (Baseline Surveying, Inc)

Tract A of Extreme Ranches #2 Located in the SE4SE4NE4 in Section 3, T9N, R4E, BHM, Butte County, South Dakota.

Commissioner Harms asked whether there were any present for or against. There were no comments.

### **C. FINAL**

Owner: Dean & Evelyn Oakes (Baseline Surveying, Inc)

Tract A of Extreme Ranches #2 Located in the SE4SE4NE4 in Section 3, T9N, R4E, BHM, Butte County, South Dakota.

Motion made by Tom Cooper to approve the Final Plat and move to Commissioners for approval. Seconded by Jim Smeenck. Vote unanimous. Motion carried.

### **D. SKETCH/LETTER OF INTENT**

Owner: Marv & Barbara Raisanen

Tract R, a subdivision of the N2SW4SE4 in Section 28, T8N, R1E, BHM, Butte County, South Dakota.

Board discussed requirements for Preliminary. Owner already has water, access, utilities and will have covenants drawn up. Motion made by Heidi Lewis to approve the Sketch/Letter of Intent and move to Preliminary. Seconded by Jim Smeenck. Vote unanimous. Motion carried.

### **E. SKETCH/LETTER OF INTENT**

Owner: Russ & Minnie Surdez (All Aspects Surveying)

Lot R-6 in Redwater Ranchettes #3 Located in Section 27, T8N, R2E, BHM, Butte County, South Dakota.

Board discussed requirements for setbacks. Per sketch one building is not in compliance with ordinance. Owner and surveyor agreed Preliminary plat will be adjusted. Motion made by Heidi Lewis to approve the Sketch/Letter of Intent and move to Preliminary contingent upon adjustment. Seconded by Jim Smeenck. Vote unanimous. Motion carried.

### **F. SKETCH/LETTER OF INTENT**

Owner: John & Denise Ternes

Helmer Tracts Tract 2 of Tr A-1 Located in Section 23, T8N, R2E, BHM, Butte County, South Dakota.

Traci Nowowiejski explained tentative subdivision. Primary issue is access and egress.

Traci asked if the Planning Board would approve either having both on the same side or approving just one access. Board explained that since proposed subdivision lies within the three-mile jurisdiction the City Council will be the entity to approach with the issue. The Planning Board explained that per the ordinance, there is no specified access/egress requirement. However, under Section 5-Additional Provisions, item 3, in order to "serve and protect the public interest in safety, health and welfare, but only under extraordinary circumstances" there have been instances where development has been limited where there is no safe way for emergency management to serve an area.

Motion made by Heidi Lewis to approve the Sketch/Letter of Intent based on the premise of five lots with one access with a viable emergency exit plan and move to Preliminary. Seconded by Jim Smeenck. Vote unanimous. Motion carried.

## **G. PRELIMINARY**

Owner: Kindsfater Farm LLC (Ponderosa Land Surveys LLC)

Tracts K1, K2 and K3 of Kito Place Estates Located in Section 12, T8N, R2E, BHM, Butte County, South Dakota.

Lisa Nelson explained all the requirements have been met except for the letter from the utility provide. Owner has contacted both Butte Electric and Black Hills Electric and is waiting for their response. Motion made by Tom Cooper to approve Preliminary and move to Public & Final contingent upon receipt of utility letter. Seconded by Jim Smeenck. Vote unanimous. Motion carried.

## **H. PRELIMINARY**

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

Hay Creek Ranch Subdivision Located in SW4 of Section 17, E2SE4 of Section 18, NE4NE4, SE4NE4 less Tract A of Section 19, and N2NW4 less Tract A of Section 20, all in T8N, R2E, BHM, Butte County, South Dakota.

Lisa Nelson explained that all the requirements have been met except perc tests have not been done on each lot. Tom Cooper stated that ordinance requires each lot have perc test submitted. Mr. Deibert requested an exception based on the number of lots (47) and that many of the lots in the northern section are of sufficient size that finding a suitable location for a septic would not be an issue. Heidi Lewis pointed out that this is the largest subdivision yet to come before the board and therefore the Board should allow the exception. Wayne Eaton explained that doing a perc test on each lot would be redundant as one would be required by Equalization & Planning before a building permit is issued. Preliminary road design is not yet complete as this subdivision is within the three-mile jurisdiction. They are currently in discussion with the City regarding the road design. Tom Cooper expressed his concerns regarding the size of the subdivision that there be options for emergency egress. Mr. Deibert assured Board that in their discussions with the City Mayor Schmidt also requested adequate emergency egress be included in the design. Mr. Deibert explained that in addition to Halle Rae Ln, Hay Creek Ln and Belle View Dr they will be asking the County Commissioners to improve the Section line for an additional access on the west. The Board suggested the road names be submitted to Emergency Management. Lisa Nelson offered to send him the contact for his submittal. Some of the proposed lots lie on the Section line. Upon approval of the subdivision owner will apply to County to vacate Section line. The Board asked whether there would be adequate water supply for that size of a subdivision. They have purchased 60 taps and their water provider has legal access to tap into the city water supply in case of emergency. Mr. Deibert requested that the Board allow the Public for the entire subdivision at the next meeting and the Final only for the initial stage of proposed lots. Motion made by Tom Cooper to move to approve the Preliminary and move to Public with the exception to the perc test and allowing staggered Finals. Seconded by Jim Smeenck. Vote unanimous. Motion carried.

## **I. DEDICATION TO PUBLIC RIGHT OF WAYS**

LeEllen McCartney discussed with board designation, dedication or easement issues. The question arose recently if a road lay within a privately owned area but has been used, maintained and presumed to be a county road, would the owner be required to dedicate the right of way, or enter into an easement or other agreement to clarify use and ownership. She cited SDCL 31-3-1 which states "Whenever any road shall have been used, worked, and kept in repair as a public highway continuously for twenty years, the same shall be deemed to have been legally located or dedicated to the public, and shall be and remain a public highway until changed or vacated in some manner provided by law." Therefore, in such an instance, the only action required of the land-owner would be to recognize that fact on a deed or plat.

**Old Business:** None.

**New Business:** Board discussed HB1084. Lisa Nelson explained the new house bill simply clarifies the verbiage of the requirements to qualify for AG status. The board discussed how AG land is valued and any anticipated changes in soil values.

**Adjournment:** Jim Smeenck moved to adjourn. Seconded by Heidi Lewis. Vote Unanimous. Motion carried. Meeting adjourned at 9:22 P.M.

Respectfully Submitted: \_\_\_\_\_

Donna Jones  
Butte County Planner