

**MEADE COUNTY PLANNING AGENDA**  
**October 18, 2004**

Meeting #359 of the Meade County Planning Board will be held Monday, October 18, 2004 at 1:00 PM. If you are unable to attend, please contact our office at your earliest convenience. If no notification is given, we will assume you will be present.

The agenda is as follows:

**OLD BUSINESS:**

1. Jeff Stygles—Final of Tracts 1-8 of Eagle Ranch Estates
2. Jim Biers—Preliminary of Lots 1-3 of Tract A of Piedmont Meadows Ranchettes
3. Chad Niehoff—Preliminary of Tract 4 of Niehoff Subdivision
4. Jack Marler—Final of Tract Elkview in 36-5-5
5. Bruce Hanson—Final of Tracts D1, D2, & D3 of Dachtler Subdivision
6. Stagebarn Partnership—Final of Lot 19 of Sioux Land Estates
7. Dean & Tammy Hackens—Final of Lots 1-5 in 35-3-10
8. Duane Robbins—Final of Lots A-C of Lot 11, A & B of Lot 12, and A-C of Lot 13 of Rolling Dice Subdivision
9. Duane Robbins—Final of Lots 1-5 of Tract 12 of Vickerman Subdivision
10. Eire Real Estate Investment LLC/Gordon Bryan—Preliminary of Phase 1 of Sun Valley Estates
11. Ron Baker—Final of Phase V of Summerset Subdivision
12. Ron Baker—Replat road in Summerset USA
13. Keith Kuchenbecker—Final of Phase 4 of Hideaway Hills Subdivision

**NEW BUSINESS:**

1. Fred Olson—Preliminary plat of Tract C of Northwest Elk Creek Subdivision
2. Gene Bergan—Preliminary plat of Lots 1, 4, and Tract A of Honerkamp Subdivision
3. Mike Short—Preliminary plat of Lots 1-4 of Cross Addition
4. Ronald Johnson—Form of Intent to open truck sales business on agricultural property in the SW of 12-7-6

**VARIANCES: 3:00 PM**

1. Lynn Mooney—Renew hardship variance for 2<sup>nd</sup> residence on Tract 6 of Dale Subdivision
2. Barb Peterson—Renew hardship variance for 2<sup>nd</sup> residence on Lot 1 of 27-3-7
3. Kathleen Greenhaw—Renew variance for game processing plant on Lot 2 Block 1 of Cooper Subdivision #1
4. Paul Harris—Renew variance for photography business on Lot 2 of Sidney Station Subdivision
5. William Clements—Requesting commercial variance for camping cabins & restroom facility on his residence in Tilford Lots 1-7, 18-20 Block 9
6. Roger & Delores Zweifel—Requesting variance for 2<sup>nd</sup> residence on Lot 3 of Honerkamp Subdivision
7. Rich Amber—Requesting hardship variance for 2<sup>nd</sup> residence on SESESW of 6-12-13
8. Avalon Construction—Requesting setback variance for Lot 5 Block 19 of Summerset Sub

**MEADE COUNTY PLANNING BOARD MINUTES**

Members Present: Craig Shaver, Tim Potts, Wayne Gutzmer, Meade County Commissioner & Planning Alternate Dayle Hammock, and Meade County Director of Equalization & Planning Kirk Chaffee

Members Not Present: Bob Powles, Meade County Commissioner Bob Mallow

Guests Present: Jim Biers, Peggy Traynor, Jeff Stygles, Glenda Hall, Doris Tibke, Rick Bush, Brenda Flottmeyer, Duane Robbins, Anita Hansen, Rolyn Ludens, Ron Baker, Gordon Bryan, Trevor Bryan, Linda Kuchenbecker, Delores Zweifel, Rich Amber, Kathy Greenhaw, Paul Harris, Barb Peterson, Bill Clements, Barry Peterson

Wayne Gutzmer called the meeting to order at 1:00 PM.

**Motion #1:** Potts made a motion to approve the minutes from the September 20, 2004 planning meeting as presented. Shaver seconded the motion. Motion passed unanimously.

**OLD BUSINESS:**

1. **JEFF STYGLES** appeared before the board with a final plat of Tracts 1-8 of Eagle Ranch Estates in 5-2-9. The lots are all 9+ acres, so each buyer will have to drill their own well. Mr. Stygles was going to provide each lot with water, but a community water system would cost \$120,000. He has decided to sell the lots as is. Hammock felt it should be clearly stated on the plat that all the lots will be accessed off Eagle Ranch Drive, so there is no confusion later. Also, the building envelope on the plat needs to be made clear. The right of way should be 33' on each side and then another 25' front, 35' rear, and 8' side setbacks.

**Motion #2:** Potts moved to approve the plat as final as long as the mylar is turned in with the above changes made, signatures obtained, and fees paid before the next commissioner's meeting. Shaver seconded the motion. Motion passed unanimously.

2. **JIM BIERS** approached the board with a map of Lots 1-3 of Tract A of Piedmont Meadow Ranchettes in 32-4-6. Lot 1 is 5 acres with Mr. Bier's house on it. Lot 2 is 9 acres, and Lot 3 is 10.2 acres. Mr. Biers has revised his plat from 5 lots to 3 lots. His subdivision covenants state no lot shall be subdivided to less than 5 acres. Both lots are over 9 acres and can drill their own well. The shape of Lot 2 has to be changed to meet the Ordinance 20 lot width requirements. It needs to be at least 85' wide at a point 30' back from the front lot line. Mr. Biers could also create a private access easement across Lot 1 to access Lot 2. The board left the decision up to Mr. Biers. Neighbor Glenda Hall commented that she is concerned about drainage in the area. She said no topography map has been turned in for the board to look at, which is one of the requirements in Ordinance 20. Gutzmer said he would like to see a topo map of the area. Kirk Chaffee suggested a 100 year flood plain study may be more informational. Ms. Hall is also concerned about increased traffic and emergency service to a dead end road.

**Motion #3:** Hammock made a motion to approve the preliminary plat with changes to the access & shape of Lot 2, the setbacks indicated on the plat, the soil boring locations indicated on the plat, cul-de-sac measurements indicated on the plat, and a topography map of the area to be presented at the next planning meeting. Potts seconded the motion. Motion passed unanimously.

3. **CHAD NIEHOFF** was represented by Josie Niehoff who approached the board with a plat of Tract 4 of Niehoff Subdivision in 9-2-7. It is a 3.005 acre lot they are planning to build a house on. The location of the private access road has changed since the last time they were in. They decided to build the road along an existing tree belt running from Deadwood Avenue North diagonally to their lot. The board was concerned about safety on the county road if there are trees blocking the view. Niehoff's also decided to tie into Black Hawk Water or drill their own well. A

new map with the changes made to the access road needs to be presented to the board along with proof of their water supply.

No action taken.

4. **JACK MARLER** was represented by Rick Bush who presented the board with a final plat of Tract Elkview and Tract JM of Elkview Subdivision in 36-5-5 and 31-5-6 and 6-4-6. Tract Elkview is 42.96 acres and includes the existing campground with its own well & septic. Tract JM is 128.99 acres. There is nothing new created. Mr. Marler is platting for tax purposes. The board requested the Equalization department send Department of Transportation a copy of the plat since it borders the Interstate.

**Motion #4:** Potts made a motion to approve the plat as final. Shaver seconded the motion. Motion passed unanimously.

5. **BRUCE HANSON** was represented by Rick Bush who presented the board with a final plat of Lots D1-D3 of Dachtler Subdivision in 5-6-5. They are all 93+ acre lots that were divided up equally for inheritance purposes.

**Motion #5:** Hammock moved to approve the plat as final. Shaver seconded the motion. Motion passed unanimously.

6. **STAGEBARN PARTNERSHIP** was represented by Rick Bush who presented the board with a final plat of Lot 19 of Sioux Land Estates in 25-3-6. The lot is 2.92 acres and was the remaining unplatted portion of Sioux Land Estates. Black Hawk Water has agreed to provide water to the lot and a letter was turned into the Equalization department. A copy of the plat needs to be sent to DOT.

**Motion #6:** Shaver made a motion to approve the plat as final. Potts seconded the motion. Motion passed unanimously.

7. **DEAN HACKENS** was not present.

8. **DUANE ROBBINS** approached the board with a final plat of Lots A-C of Lot 11, Lots A & B of Lot 12, and Lots A-C of Lot 13 of Rolling Dice Subdivision in 5-2-8. There are six 3+ acre lots, one 5+ acre lot, and one 11+ acre lot. Lot C of Lot 13 has been reshaped to meet the Ordinance 20 lot width requirement. A letter was received from the North Haines Fire Department which expressed concern about the amount of water storage capacity in the subdivision. The board determined the letter is too vague to make Mr. Robbins increase the amount of water storage at this time. He will have to do so before any further subdividing can be approved. A letter approving the public water system was turned in from DENR. Mr. Robbins explained the water pipes to these new lots are not in place yet. The board told him the water had to be in place by the next commissioner's meeting or he needs to bond for the improvements.

**Motion #7:** Potts moved to approve the plat as final as long as the water is in place by the next commissioner's meeting or Mr. Robbins is bonded. Shaver seconded the motion. Motion passed unanimously.

9. **DUANE ROBBINS** presented the board with a final plat of Lots 1-5 of Tract 12 of Vickerman Subdivision in 4-2-8. They are all 3+ acre lots. Lot 5 has an existing house on the property. Lot 3 had a 66' private access easement indicated on the plat. Mr. Robbins explained that was for possible future development if he purchases some more land to the East. The board felt he should wait until he actually purchases the land before granting any access to it. Mr. Robbins will have it removed from the plat before commissioner's. They also said the building

envelopes need to be indicated on the plat. The lots will all be served by Mr. Robbin's public water system.

**Motion #8:** Potts moved to approve the plat as final contingent upon the private access easement on Lot 3 being removed and the building envelopes are added to the plat. Shaver seconded the motion. Motion passed unanimously.

10. **EIRE REAL ESTATE INVESTMENT LLC** was represented by Gordon & Trevor Bryan who appeared before the board with a plat of Lots 1-219 of Sun Valley Estates in 14-3-6. The Bryan's have met with the Department of Transportation about access to the subdivision off Elk Creek Road. It was decided to put the entrance on the curve instead of closer to the Trails West entrance. They have met with Meade County Sheriff Ron Merwin and his concern was the dead end roads with no turnarounds for emergency vehicles. Mr. Bryan explained the adjoining landowner, Mr. Gingrass, has agreed to let them temporarily turnaround on his land until the road is built through. Eventually, Telluride Street will lead to Ron Baker's sewer treatment plant and Glenwood Drive may go to the plant as well. The Bryan's also met with the fire chief at the Piedmont Fire Department. His concerns were having adequate water storage and flow for fire fighting. They met with the school superintendent about busing issues. The school bus could loop around on Breckenridge Circle & Glenwood Drive and pick up children at dedicated bus stop areas. Mr. Bryan thought they would build some bus stop shelters for the children to wait at. Hammock commented that Ken McGerr, the Meade County Highway Superintendent, has met with a traffic engineer from Spearfish and is putting a report together about the changes that need to be made to Elk Creek Road to make it safer at the entrance. There was discussion about the need for a second entrance into the subdivision. There was also discussion about the rear setback of the lots which will border the green park area. The Bryan's would like a variance to cut the rear setback down to 20' instead of 35'. The board was not comfortable with this type of blanket variance because they do not want to set a precedence. The board was also concerned about the ownership & maintenance of the green park area. They would like it to remain under one owner, like the homeowner's association, and the maintenance be outlined in the covenants. The Bryan's would also like a variance for the length of Whistler Court. It is 540' long and is over Ordinance 20 regulations by 40'. The fire department has said it would be fine as long as there is an extra fire hydrant installed. Adjoining landowner, Doris Tibke, has concerns with her horses and riding school which will border the new subdivision, the increased speeding traffic on Elk Creek Road, and the increase in noise and barking dogs. Peggy Traynor, another concerned landowner, is concerned about the increased traffic and property taxes. Lori Redder wanted to know what the concerned neighbors could do to stop the development besides voice their opinion. The board explained they would have to take legal action. Mr. Bryan told the board they have applied with DENR to drill 2 deep wells. The sewer will be tied into Ron Baker's sewer plant. The board also requested that a drainage study be done on the property to see if there are any problems. They do not feel there is enough information to give preliminary plat approval at this time.

No action taken.

11. **RON BAKER & ROLYN LUDENS** presented the board with a final plat of Summerset Subdivision Phase V in 36-3-6. There were 3 lots that did not meet Ordinance 20 minimum size requirements and have been corrected on the plat. Willimington Drive will be extended to the cul-de-sac where it turns into Castlewood Drive to alleviate some 911 address issues. There were also some incorrect setbacks which have been changed on the plat.

**Motion #9:** Hammock made a motion to approve the plat as final. Shaver seconded the motion. Potts abstained from the vote. Gutzmer voted. Motion passed unanimously.

**VARIANCES:**

**Motion #10:** Hammock made a motion to move into the board of variance at 3:08 PM. Potts seconded the motion. Motion passed unanimously.

1. **LYNNE MOONEY** was not present. Kirk Chaffee, Meade County Director of Equalization & Planning, renewed the hardship variance for a 2<sup>nd</sup> residence on Tract 6 of Dale Subdivision in 11-3-6. The hardship still exists and there have been no complaints. Mooney's called the Equalization office earlier and were medically unable to attend the planning meeting, so Mr. Chaffee approved the renewal over the phone.

**Motion #11:** Hammock moved to approve the hardship variance renewal per Kirk Chaffee's recommendation. Potts seconded the motion. Motion passed unanimously.

2. **BARB PETERSON** appeared before the board to renew her variance for a 2<sup>nd</sup> residence for her hired hand on Lot 1 in the NENE of 27-3-7. Nothing has changed and there have not been any complaints.

**Motion #12:** Potts made a motion to approve the variance for another year. Hammock seconded the motion. Motion passed unanimously.

3. **KATHLEEN GREENHAW** appeared before the board to renew her variance for a meat processing plant on Lot 2, Block 1 of Cooper Subdivision #1 in 16-3-6. Nothing has changed and there have been no complaints.

**Motion #13:** Hammock made a motion to approve the variance for another year. Shaver seconded the motion. Motion passed unanimously.

4. **PAUL HARRIS** appeared before the board to renew his variance for a photography business out of his home on Lot 2 of Sidney Station Subdivision in 23-3-6. Nothing has changed and there have been no complaints.

**Motion #14:** Hammock moved to approve the variance for another year. Potts seconded the motion. Motion passed unanimously.

5. **WILLIAM CLEMENTS** was present, but the board said he needs to wait until they are out of the board of variance.

6. **DELORES ZWEIFEL** appeared before the board to request a variance for a 3<sup>rd</sup> residence on Lot 3 of Honerkamp Subdivision in 15-3-6. It is 11.9 acres with 2 existing cabins. Her husband has built a shop on the property to restore old cars and there has been items stolen. They want to move a mobile home next to the shop for a caretaker to live in and watch over the property. The board questioned why the caretaker could not live in one of the existing cabins. Ms. Zweifel explained the cabins are too far away from the shop. The board suggested she think about subdividing the land to allow for another residence. Her variance request was denied.

7. **RICH AMBER** approached the board to request a medical hardship variance for a 2<sup>nd</sup> residence on the SESESW of 6-12-13. It is a 9.68 lot that he wants to put a mobile home on for his disabled sister-in-law to live in. He provided a letter from her doctor stating the need for a fulltime caretaker. The board explained to Mr. Amber the variance is temporary and the mobile home must be removed once the hardship no longer exists. He will have to renew the variance every year.

**Motion #15:** Hammock made a motion to approve the medical hardship variance for 1 year. Potts seconded the motion. Motion passed unanimously.

8. **AVALON CONSTRUCTION** approached the board to request a rear setback variance for Lot 5, Block 19 of Summerset Subdivision in 36-3-6. The building envelope is recorded on the plat, but they want to build the house to face a different direction than intended, which will reverse the side and rear setbacks. The house will be 19' from the rear property line instead of 35'. There was discussion about what determines the "front" of a house, especially houses on corner lots like this one that could face either direction. The board also warned that setback variance approval will be more difficult at the commissioner's meeting.

**Motion #16:** Shaver made a motion to approve the rear setback variance from 35' to 19'. Potts seconded the motion. Motion passed unanimously.

**Motion #17:** Hammock made a motion to exit the board of variance at 3:43 PM. Shaver seconded the motion. Motion passed unanimously.

**OLD BUSINESS CONTINUED:**

12. **KEITH KUCHENBECKER** was represented by his wife, Linda, who appeared before the board with a final plat of Hideaway Hills Phase 4 in 8-2-7. There is 1 existing house on Lot 1, Block 8 of the plat. There is a portion of the 24' private access easement next to the railroad that will be vacated with this plat. A letter from DENR was received by the Equalization office about the water system. The letter had several conditions of approval and the board wants to be sure these conditions have been met.

**Motion #18:** Potts moved to approve the plat as final as long as a new letter from DENR is received by the commissioner's meeting stating the conditions of approval have been met. Shaver seconded the motion. Motion passed unanimously.

**NEW BUSINESS:**

1. **FRED OLSON** was not present.

2. **GENE BERGAN** was represented by Rick Bush who presented the board with a preliminary plat of Lot 1 Revised and Lot 4 Revised of Honerkamp Subdivision in 15-3-6. Lot 1 Revised would actually combine the existing Lot 1 and Tract A into one 6.54 acre lot. Lot 4 Revised would go from 13.31 acres to 12.31 acres. Mr. Bush explained this is just some land swapping between neighbors. Lot 1 Revised is Covered Wagon Resort.

**Motion #19:** Hammock moved to approve the preliminary plat. Potts seconded the motion. Motion passed unanimously.

3. **MIKE SHORT** was represented by Rick Bush who presented the board with a preliminary plat of Lot A & B of Cross Addition in 16-5-6. They are both 9+ acre lots served by an existing private access easement. Mr. Bush provided the board with a copy of the agreement. The road is built to county specifications and will probably be turned into a public right of way very soon because of the number of lots it serves.

**Motion #20:** Hammock made a motion to approve the preliminary plat with a road name correction from Alkali Road to 207<sup>th</sup> Street. Potts seconded the motion. Motion passed unanimously.

4. **RONALD JOHNSON** was not present.

5. **WILLIAM CLEMENTS** approached the board with a form of intent to build a rally campground on his residence in Tilford. He owns Lots 1-7, 18-20, Block 9 of Tilford which totals about 1½ acres. He would like to build 8 small cabins and a shower house on his property. The

cabins would have no water or sewer and would be on skids. The board thought he might be better off to apply for a State campground license. Mr. Clements will check into the requirements. The board explained the entire property will be taxed commercial. His house would be considered a caretaker residence. The septic will have to be approved by DENR and has to be at least 100 feet from his well.


No action taken.

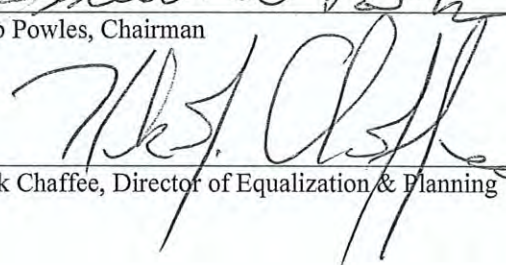
6. **FRED OLSON** was not present, but Kirk Chaffee requested that the board approve a form of intent so it was on record. Mr. Olson is platting 10 acres around his existing house & buildings as Tract C of Northwest Elk Creek Subdivision in 1-3-6. Mr. Chaffee has an agreement with the finance company to have the property platted within 60 days.

**Motion #21:** Hammock moved to approve the form of intent per Kirk Chaffee. Potts seconded the motion. Motion passed unanimously.

**Motion #22:** Hammock moved to adjourn the meeting. Potts seconded the motion. Motion passed unanimously.

Wayne Gutzmer adjourned the meeting at 4:32 PM.

Approved:  \_\_\_\_\_ November 15, 2004  
Bob Powles, Chairman

Approved:  \_\_\_\_\_ November 15, 2004  
Kirk Chaffee, Director of Equalization & Planning