



Civil Engineering | Landscape Architecture | Planning

Development Agreement Considerations and Exceptions

Date: August 31, 2019
To: Lawrence County Planning
From: Eirik Heikes, PLA
Project: Deer Mountain Village Land Plan
Subject: Development Agreement Considerations and Exceptions (Bullets)

Lawrence County Planning:

In support of our recent submission of Master Plan for Deer Mountain Village, we would offer up the following information regarding intentions and agreements for land development by Keating Resources. It is our intent to respond to comments requested by County Commissioners as well as make additional refinements to be provided at Preliminary and Final Platting. It is the intention of Keating Resources and its legal counsel that these agreements run with duration of the development until satisfactory with Lawrence County.

Keating Resources is steadfast in its plans to provide an excellent planned development at DMV, with a mixture of quality uses and amenities. Generally, uses permitted on land are described in the Master Plan submittal in detail, including single family residential, multifamily residential, and the Village element (commercial shops and services), in addition to recreational opportunities available to private owners and the public as deemed acceptable by developer (See Master Plan Packet submitted June 23, 2021 for Additional Reference, and for the sake of brevity). The following summarizes the commitments that Keating Resources will provide and administer as the project approaches platting and completion of infrastructure.

- There will be protective covenants administered by a homeowners' association which are forthcoming.
- Development Agreements are in process of being completed. A draft development agreement will be submitted to Lawrence County by September 23rd.
- Open space management and single family homesites will include wildfire management plan to be submitted to Lawrence County by September 23rd.

- The newly formed Deer Mountain Sanitary District (DMSD) will supply water to Deer Mountain Village. Keating will provide all necessary infrastructure for satisfactory supply and distribution to DMV owners, including bonding if required. This process is currently underway.
- A Gantt chart indicating schedule of construction and implementation will be provided to Lawrence County during platting process.
- Percolation tests requested by Lawrence County to ensure feasibility of individual septic systems will be provided to Lawrence County as addendum to Master Plan on September 23, 2021. We will use modified or common space shared drain fields if standard type are not achievable.
- Sanitary systems design for Village area and Multifamily housing will be provided as those facilities become more defined and will follow development plan and will be approved as by ordinance.
- As Built Road designs ensuring that a maximum 14% grade is designed per County Standards will be submitted to Lawrence County on September 23rd and will be provided as addendum to Master Plan.
- We understand the decision-making process will exceed 45 days and waiver that requirement.
- We have provided comprehensive drainage study and calculations as part of Master Plan submittal. If required, a final drainage study to be completed at platting.
- All permitting will be completed by Keating Resources or its assigns as required for development, including but not limited to erosion control, approach permits, building permits, etc. as by ordinance.
- We have provided a second access to Terry Peak Summit Road, which will speed response times by emergency crews / public providers.
- Note that our overall density is approximately 3 acres per unit, and any changes to Planned Unit Development will be comprehensive and accomplished by amendment, if needed.
- It is the intention of Keating Resources to expand the PUD to include 50.61 acres acquired from Wharf (described as part of COZ#345).
- WE INVITE ON-SITE REVIEW OF ROADWAYS CURRENTLY UNDER CONSTRUCTION BY COMMISSIONERS, LAWRENCE COUNTY, AND HIGHWAY SUPERINTENDANT. WE BELIEVE WE HAVE AN EXCELLENT PRODUCT IN THE MAKING IN TERMS OF PRIVATE ROADS.
- We understand that the Planned Unit Development tool serves a purpose to encourage creativity, pragmatism, and comprehensive planning and is the ideal vessel for our project.

As a result, we expect there to be questions and explanations of appropriate solutions and considerations.

The following exceptions are requested as part of the overall Planned Unit Development, as requested by County Commissioners:

- Private Road Exceptions will be provided at Preliminary Plat. They will be approved by Highway Superintendent. We have invited him to tour our progress thus far.
- Our Private Paved Roads will meet AASHTO requirements and be signed appropriately.
- Other exceptions identified or discovered beyond Master Plan will be provided at preliminary plat.

DMV LEGAL DESCRIPTION:

Hanify No. 6, Hanify No. 7 lode mining claims of Mineral Survey No. 1204, Foster Fraction, Gamba Fraction, Addie, Eva and Lovisa lode mining claims of Mineral Survey No. 1221, All located in Sections 12, 13 and 14, Mystic Miner Tract (M.S. 1356 et al) containing Boston Lode of MS 1152; On Time No. 4 Lode of MS 1158; Rinaldo Millsite MS 410B; Connecting Lode and the Havana No. 1, Havana No. 2, Havana No. 3, Havana No. 4, Havana No. 5, Havana No. 6, Havana No. 7, Havana No. 8, Havana No. 9 and Havana No. 10 Lode of MS 1210; Deer Mountain, Evarts, Fairview, World's Fair, Bangor No. 1, Bangor Fraction No. 2, Monte Carlo, St. George No. 1, St. George No. 2 Lodes of MS 1209; Gertie No. 1, Lord Byron No. 2, Lord Byron No. 4, Lord Byron No. 6, Lord Byron No. 8, Lord Byron No. 9, War Eagle, War Eagle No. 1, War Eagle No. 5, War Eagle No. 7, War Eagle No. 9, War Eagle No. 11, Lincoln No. 1, Lincoln No. 3, Chester, Chester No. 2, and Chester No. 3 Lodes of MS 1356; Bryan, Belt, Israel and Dolphin Lodes of MS 1217; Lot 3 and Lot 4, and Replat of Lot 17 of Block 3, Deer Mountain Resort Development No. 3, being a part of Lot D of the Doze Lode of MS 1217 and the Palmetto, Deadwood, Cliff and Dexter Lodes of MS 1152; Lot 18 of Deer Mountain Resort Development No. 4, being a part of the Welcome, Derby and Evangaline No. 8 Lodes of MS 1152; Lot 1 of Tract B of the Crow Dog, Big Foot and Black Thunder Lodes of MS 1158; Lot J-1 of the Jupiter Lode of MS No. 1209; the unplatted balance of the Welcome and Derby Lodes of MS 1152; and the unplatted balance of On Time No. 1, On Time No. 2 and On Time No. 3 Lodes of MS 1158, located in SE1/4 Section 11, Section 13, Section 14, and W1/2 Section 18, according to Plat Document No. 2009-03307,

AND Mystic Miner Tract A-2, Tract A-3, Tract A-4, Tract A-5, Tract CR, Tract G, Tract H, Tract I, Tract J, Tract K, Tract L, Tract M, Tract N, Tract O, Tract P and Raspberry Tract being a portion of Mystic Miner Tracts A and C of Mystic Miner Subdivision located in Mystic Miner Tract containing the Boston Lode of MS 1152 and various other mineral surveys and lots as further described in Plat Document No. 2012-06261.

AND Lots 1, 2, 3, 4, 5 and 6, Block 2 and Lot 1A, Block 4 of Mystic Miner Subdivision located in Mystic Miner Tract containing the Boston Lode of MS 1152 and various other mineral surveys and lots as further described in Plat Document No. 2016-04896.

Less and except Mystic Miner Tracts B, D, E and F, Stewart Tract and SJL Tract of the Mystic Miner Subdivision according to Plat Document No. 2010-04293;

Less and except Lots 3R and 4R of Deer Mountain Resort Development No. 2, formerly Lots 3 and 4 of Deer Mountain Resort Development No 2 and Lots 1 and 2 of Block 1 of Mystic Miner Subdivision, according to Plat Document No. 2010-04930;

Less and except Lot VJ-2AR of the Venus and Jupiter Lodes of MS 1209, formerly Lot VJ-2A of the Venus and Jupiter Lodes of MS 1209 and Lot 1 of Block 4 of the Mystic Miner Subdivision, according to Plat Document No. 2012-05655;

Less and except Tract A-1 of Mystic Miner Subdivision located in Mystic Miner Tract containing Boston Lode of MS 1152 and other mineral surveys and lots as further described in Plat Document No. 2012-06261,

All Located int Sections 11,12,13,14, T4N, R2E. And Section 18, T4N, R3E, BHM Lawrence County, South Dakota.

Prepared by Terrasite Design and Reviewed by Keating Resources and Legal Counsel.