

April 29, 2022

Lawrence County Planning and Zoning  
90 Sherman St.  
Deadwood, SD 57732

RE: Dakota Highlands Development

Dear Sirs and Ma'ams:

I was recently bewildered by the preliminary approval of the Dakota Highlands Estates (DHE) allotment as I've been waiting to see notification of this being before you in the mail because my home is in the neighboring development, Spruce Mountain Estates (SME). A trip to the P&Z office revealed to me protocol of the only notice being required is a 24 hour posting on your website of the meeting agenda. Specifically what I am bewildered about is the standard that was explained to me by Ms. Amber Vogt that since there was no one to speak at the January 6, 2022 meeting, basically this plat is a done deal.

Because of the education Ms. Vogt was kind enough to give me, I am now an email subscriber to several Lawrence County email lists.

Mr. Brad Kloss came to my property owners association (POA) with a given intent of development and plan, as I perceived, wanting to "be a good neighbor" and devise a "fair" road maintenance agreement of Frontier Lp. The proposed agreement seemed fair and viable to all parties. I even spoke in **favor** of our POA Board of Directors (BoD) having signed the agreement at our annual POA membership meeting in September of 2021.

Fast forward to January when Mr. Kloss's real intentions were presented to you. Even had I **known** about Dakota Highlands being on your agenda, there is no way, in 24hours, I would have had time to get my thoughts in order and speak to you all in a concise coherent manner as the presented plat is nowhere near the facts that had been presented to our POA Board of Directors. The differences being:

- Spruce Mtn Estates BoD were presented a development intention of 26-30 lots. Lawrence Cty. P&Z was presented a plat with 63 residential lots and 3 utility lots.
- Spruce Mtn Estates BoD were presented a plan of a variety of 40, 20, 10 and 5 acre lots; an average of 10-12 acre lots. Lawrence Cty P&Z was presented a plat with lots that appear to be an average of 5.04 acres (318 acres divided by 63 residential lots).

I understand that this property is Mr. Kloss's - and with your permission, he can develop it anyway he wishes. Even if employing, in my opinion, bait and switch on his neighbors.

My particular concerns that I feel may have been over-looked in the preliminary approval of Dakota Highland Estates are

**Public Safety:** Dakota Highland ingress/egress platted accesses are in the "S" curves of Frontier Lp. These are blind areas that you cannot see if another vehicle is coming or not. While equipment was being unloaded (in the middle of the road) on Frontier Lp the week of April 15<sup>th</sup>, then again on April 28<sup>th</sup>, I came around one of these blind curves with no warning, no cones, no flaggers, no nothing. Thankfully I wasn't going to fast and was able to safely react to the situation.

The platted access located farthest away from Jackson just about lines up with one of the lots in SME. Again, this becomes a blind intersection that I feel is just a matter of time before an accident happens.

The "S" curves on Frontier Lp. have in the past claimed victims of what I believe to have been mis-judgment, inexperience and probably some speed factors. I personally know of two incidences just above the driveway of 20211 Frontier Lp., which two passenger vehicles went completely off the road (separate incidences), a semi getting stuck just below the driveway of 20218 Frontier Lp. (no homes were on either of these lots at the time of these happenings) and a semi dump-trailer whose hind wheels went off the road between these two homes when delivering gravel last summer (I believe last summer anyhow). All of these vehicles needed a tow truck to get righted. Add in traffic from 63 residential lots into these blind curves, and I feel you have a disaster waiting to happen.

**Liability:** Frontier Lp. as is the case with all the roads within SME are private roads that have been dedicated by plat to public use. 63 residential lots is going to add a lot of traffic to a road that has been challenging (at best) to maintain in sections. Only having been able to find that the roads of DHE will be maintained by their HOA, I can only assume that they will have the same status as SME roads – private roads dedicated to public use.

The platting of ingress/egress for DHE, as I have stated, are in spots that most likely will be very dangerous to not only DHE residents but also SME residents. If an accident occurs, and the unthinkable happens, has this plat approval just put undue liability on your constituents?

**Water:** It is no secret that water is an issue in our part of the county. My household well produces just enough water to maintain the household (2 people). We are unable to water our grass and have only watered a couple of trees which we planted to try to get them a good root system. Also, we seldom wash vehicles here at the house, not only because the water sucks, but also because it does waste precious water our well produces. I know of a documented dry hole from well drilling, one household that opted for a cistern rather than to even attempt drilling and one household that has added a cistern type system and still hauls water all summer long. One lot owner went to the expense of drilling a second well going to the Madison because water was a problem.

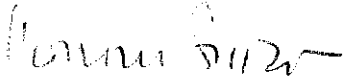
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I understand you probably are not willing to require DHE to renegotiate a new road maintenance agreement with SME reflecting the now 66 lots that are intended for development. However, I do feel you should as what our "good neighbor" presented to us is different from what was presented to you, the Planning and Zoning Board.

I present this letter to you as a resident of Lawrence County, a property owner of Lawrence County, a registered voter of Lawrence County. I present this letter to you as one of your constituents. I respectfully ask you to reconsider the approval of the current platting of Dakota Highland Estates. I respectfully ask you to take my concerns into consideration and address them by requiring the land owner and engineers of Dakota Highland Estates to at the very least re-plat ingress/egress to **not** be in blind corners. I also respectfully ask you to consider the strain this development (as it currently stands) will put on our water and require Dakota Highland Estates to go back to their originally stated intention of a density of 10-12 acre lots.

Thank you for your time and consideration of my concerns. I invite you to come out to our development and the proposed development to put eyes on the lay of the land. I think you will understand my concerns much better by seeing the rolls and draws versus just seeing a plat map.

With regards,



Connie Snow  
20242 Remington Pl.  
Whitewood, SD  
307.231.1097 (cell)

Attachments: Email dated March 11, 2021 to SMEPOA Treasurer

CC: Lawrence County Commissioners



From: **Bradley Kloss** <[bkloss@klossco.com](mailto:bkloss@klossco.com)>  
Date: Thu, Mar 11, 2021 at 7:36 PM  
Subject: Thompson Property  
To: [rhagerty605@gmail.com](mailto:rhagerty605@gmail.com) <[rhagerty605@gmail.com](mailto:rhagerty605@gmail.com)>

Hi Rick, thank you for taking the time to talk with me today. I am more excited about the property and having a home there after talking with you. As I discussed, I want to come to some sort of agreement that is fair for the HOA before I complete my due diligence over the next 30 days. That is the timeline I am working with.

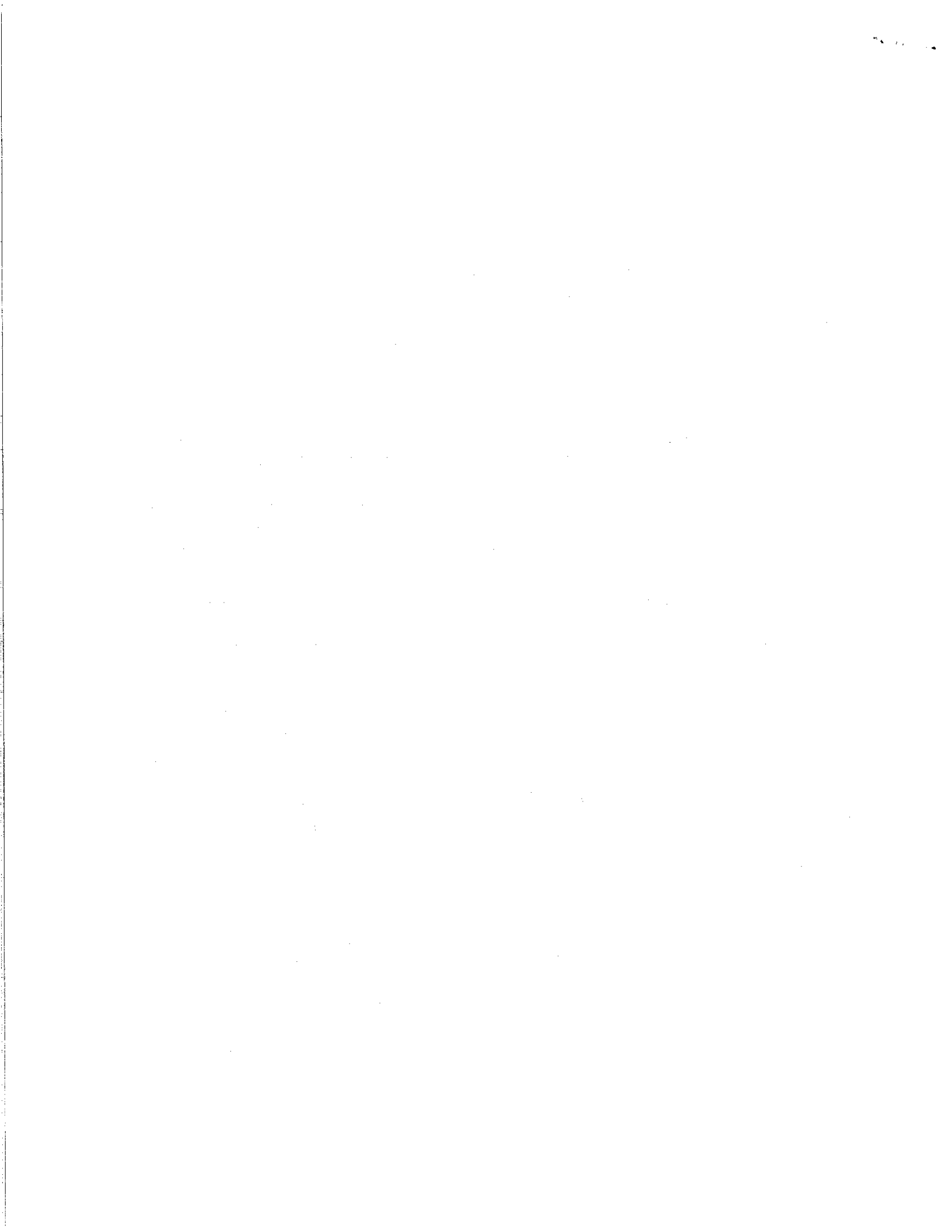
So first a bit about myself so you know what kind of neighbor you would be working with. Both my wife and I grew up on dairy farms in Central MN. Baling hay, milking cows, 4-H softball and Fourth of July at the lake pretty much sums us up. We lived near our families in MN until 2000 when we moved to California to grow my Dairy Animal Nutrition business. It was a tough decision to leave family in MN, but we saw a huge growth and learning opportunity. I grew my Ag business there and took earnings to invest into a fitness business which I was blessed with perfect timing and a great team of people to work with me. I sold that business and invested in real estate. The real estate business I have today is largely in Las Vegas and you can look it up at [www.KlossCoProperties.com](http://www.KlossCoProperties.com) However, I continue to do what I love most by working the Dairy Nutrition business across the West and Canada with several people working in my company. I would much rather walk through a pen of cows than starring at a computer.

The reason we are interested in South Dakota, particularly the Thompson Property, is after Covid 19, I realized how important it is to invest and live-in markets that have strong State and local leadership. I like the leadership of South Dakota; it aligns greatly with my thinking. Even though I am not ready to retire tomorrow, I need to start planning for it, orders per my wife.

The Thompson property provides an opportunity for me to own 40 plus acres myself to build a home, have my horses there, yet control the density of my neighborhood. If I can keep costs controlled, my goal would be to develop Thompsons 320 acres into 26-30 lots with a variety of 40, 20, 10, and 5 acre lots. Spruce Mt 2 averages 6.45 acres per lot, we would foreseeably average between 10.6-12 acre lots...half the density. I do need to develop the property to some degree to make it affordable to move there.

This leads to how we can join in partnership to take care of Frontier Loop Rd so that it can be a great road for both developments' residents. I am more than willing to participate in its expenses from yearly maintenance and repair to snow removal and weed control. As a resident of my own development, the last thing I want is a washboard road to drive on.

I along with future residents in our development will have our own internal roads to maintain, but also know part of our infrastructure and cost is Frontier Loop. There are several methods we can take, just for ideas to start with:



1. Total Spruce Mt HOA/total miles x .9 miles of Frontier Road that we would share.
2. Only Frontier Road Expenses x a percentage
3. The HOA revenue Spruce Mt receives for lots along Frontier Loop (looks like 13), we would match.
4. Become a part of Spruce Mt 1 and 2 HOA. You guys seem to have this figured out really well!

There are many ways to figure this out, I hope this gives you some food for thought. I would like to exchange ideas over the next two weeks so that we could have a good discussion anytime between Thursday the 25th-Saturday 27th to meet when I plan to be there.

Again, thank you for your time today. Please feel free to forward this email onto any other board members. They are welcome to call me anytime.

Sincerely  
Brad Kloss  
559-799-4477

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[www.klosscoproperties.com](http://www.klosscoproperties.com)





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