

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 9, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Lori Litzen, William McCollam, Barbara Landers, and Lyndell Peterson.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Jeri Ervin, Colin Hensley, and Kinsley Groote (SAO)

ROLL CALL

1. APPROVAL OF THE JANUARY 26, 2015, MINUTES
Moved by Hall and seconded by Litzen to approve the minutes of the January 26, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Hall and seconded by McCollam to approve the Agenda of the February 9, 2015, Planning Commission Meeting, including the Consent Calendar. Vote: unanimous (6 to 0).

CONSENT CALENDAR

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 96-51:** Ted and JoAnne Muffat. To review a mobile home as a caretaker's residence in a Suburban Residential District in accordance with Section 204-F of the Pennington County Zoning Ordinance.

Lot 1 of Block 2, Eastern Acres, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To revoke the extension of Conditional Use Permit / CU 96-51 with the applicants' concurrence.

Vote: unanimous (6 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 10-04:** Deep Creek Outfitters; Matt Eisenbraun – Agent. To review a home occupation, a gunsmithing business, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The NE1/4, S1/2NW1/4, and the SW1/4, Section 9, T4N, R16E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 10-04 with the following ten (10) conditions:

- 1. That a minimum of two (2) off-street parking spaces continue to be provided and that each parking space shall not be less than 162 square feet, nor less than 9 feet by 18 feet; surfaced with gravel, concrete or asphalt and maintained in a dust free manner;**
- 2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 3. That the applicant maintains the residential / agricultural character of the property;**
- 4. That the home occupation continue to be conducted by members of the family residing on the premises and no more than one (1) additional person;**
- 5. That the applicant maintain any Federal and State Licenses and copies of those licenses be submitted to the Planning Office;**
- 6. That a business sign, which directs attention to the home occupation, shall be allowed with an approved Sign Permit. Such sign shall not exceed four (4) square feet in area and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;**
- 7. That if the applicant install plumbing in the shop, the septic system be approved by the South Dakota Department of Environment and Natural Resources;**
- 8. That the address continue to be properly posted on both the residence and at the approach so it is visible in both directions from 213th Street in accordance with Pennington County's Ordinance #20;**
- 9. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;**
- 10. That this Conditional Use Permit be reviewed in three (3) years or on a complaint basis, or as deemed necessary by either the Board of Commissioners or the Planning Commission to verify that all conditions of approval are being met.**

Vote: unanimous (6 to 0).

7. **MINOR PLAT / PL 14-37 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-19:** George Adrian / Lloyd Hill. To combine three lots to create Chief of the Hills Common Day Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Common Day Lode MS 1654 and All (also in Section 1, T1N, R3E) of Common Day #1 Lode MS 1654 of Section 36, T2N, R3E, and Chief of The Hills MS 159 of Section 1, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Chief of the Hills Common Day Tract, Sections 1 and 32, T1N and T2N, R3E, BHM, Pennington County, South Dakota.

(Continued from the January 26, 2015, Planning Commission meeting.)

To recommend to continue Subdivision Regulations Variance / SV 14-19 and Minor Plat / PL 14-37 to the March 9, 2015, Planning Commission meeting.

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

4. **CONDITIONAL USE PERMIT REVIEW / CU 06-17:** Carol A DeLeo and Gina DeLeo. To review a Recreational Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: That portion of Burlington Northern Railroad Company's (formerly Chicago, Burlington and Quincy Railroad Company's) 300.0 foot wide station ground property at Rochford City, South Dakota, located on the Custer to Deadwood Branch line right of way, now discontinued, being 150.0 feet wide on each side of said Branch line's Main Track centerline, as originally located and constructed upon, over and across the SW1/4 NE1/4 and the E1/2 SE1/4 NW1/4, Section 24, T2N, R3E of the Black Hills Meridian, City of Rochford, Pennington County, South Dakota described as follows, to-wit: Beginning at a Point 150.0 feet Northerly from Station 2101 + 17.8 and at right angles from the centerline of the railroad, which point is South 38 Degrees 54 Minutes West a distance of 352.4 feet from Corner No. 8 of Mineral Claim Lot No. 676; thence running South 10 Degrees 41 Minutes West a distance of 300.0 feet; thence North 78 Degrees 19 Minutes West parallel with railroad a distance of 1300.0 feet; thence North 10 Degrees 41 Minutes East a distance of 250.0 feet, more or less, to the intersection of the line of said Mineral Claim Lot No. 676 between Corners No. 3 and 4 thereof; thence North 83 Degrees 10 Minutes East along said line a distance of 150.0 feet, more or less, to a point 150.0 feet Northerly and at right angles from the centerline of said railroad; thence South 79 Degrees 19 Minutes East a distance of 1140.0 feet, more or less, to the Point of Beginning (72.620 acres more or less). Excepting Therefrom: All that portion of said Railroad Company's 100.0 foot wide Branch line right of way, being 50.0 feet wide on each side of said Main Track centerline; also, Excepting Therefrom: The County Road; also, Excepting Therefrom: 0.46 acres, more or less, being a part of the SW1/4 NE1/4 of Section 24, T2N, R3E of the Black Hills

Meridian, Pennington County, South Dakota, as recorded in Book 158, Page 144 in the Register of Deeds office for Pennington County, South Dakota and also, Excepting Therefrom: Lot 1 of the Damfino 2 Subdivision and 66' Mudable Drive (A platted private drive) Being a portion of the Nebraska Placer, M.S, 676 located in the NE1/4 of Section 24, T2N, R3E, BHM, Pennington County, South Dakota, being 1.049 acres more or less, as shown in Plat Book 24 at Page 190 and recorded as Document #16992 in Book 50, Page 2436 in the Register of Deeds office for Pennington County, South Dakota.

Chairman Zvejnieks asked to have this item removed from the Consent Calendar to discuss the approval of the extension of the application. He expressed concern of the ongoing approval of this Conditional Use Permit, since it has been eight years since the original approval, without the use having been initiated on the subject property.

Hensley reviewed the Staff Report indicating staff did meet with Ms. Gina DeLeo, the applicant, on January 26, 2015, and she stated she intends to begin construction of the Recreational Resort in the summer or fall of 2015. Hensley further explained that staff also included a condition (Condition #15) to state: "That if construction activity has not been commenced by February 9, 2016, this Conditional Use Permit will be terminated."

Staff recommended approval of the extension of Conditional Use Permit / CU 06-17 with the following sixteen (16) conditions:

1. That the Recreational Resort consists of five (5) yurts and a 16 foot by 70 foot manufactured home and accessory structures;
2. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review of this Conditional Use Permit;
3. That Silver Creek Road be improved to a minimum of four (4) inches of gravel and an emergency turn-around be provided at the entrance of each yurt site;
4. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation that includes the necessary site plans to be reviewed and approved by the Planning Director;
5. That the applicant provides smoke detectors in each yurt and test the smoke detectors semi-annually;
6. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible to all guests at all times;
7. That the applicant must indicate a minimum of two (2) parking spaces per yurt and be maintained in a dust free manner;
8. That if the applicant intends to have any open fires or fire pits, the appropriate permits must be obtained from South Dakota Forestry;

9. That a minimum of a twenty-five (25) foot setback be maintained for all structures located on the property;
10. That prior to Planning Commission approval, the applicant must acquire approval from the Department of Environment and Natural Resources for the wastewater disposal system for the yurts located on the property;
11. That any new approaches be approved by the Pennington County Highway Department prior to construction;
12. That all natural drainage paths be maintained;
13. That each yurt be addressed and clearly marked with adequate access;
14. That the applicant sign a Noxious Weed Plan;
15. That if construction activity has not been commenced by February 9, 2016, this Conditional Use Permit will be terminated; and,
16. That this Conditional Use Permit be reviewed in one (1) year, upon application for a Building Permit for a yurt or other construction activity relating to the Recreational Resort, or upon a complaint basis to verify compliance with the conditions of approval or as directed by the Pennington County Planning Commission.

Discussion followed.

Moved by Zvejnieks and seconded by Litzen to approve of the extension of Conditional Use Permit / CU 06-17 with the following sixteen (16) conditions:

- 1. That the Recreational Resort consists of five (5) yurts and a 16 foot by 70 foot manufactured home and accessory structures;**
- 2. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review of this Conditional Use Permit;**
- 3. That Silver Creek Road be improved to a minimum of four (4) inches of gravel and an emergency turn-around be provided at the entrance of each yurt site;**
- 4. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation that includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 5. That the applicant provides smoke detectors in each yurt and test the smoke detectors semi-annually;**

6. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible to all guests at all times;
7. That the applicant must indicate a minimum of two (2) parking spaces per yurt and be maintained in a dust free manner;
8. That if the applicant intends to have any open fires or fire pits, the appropriate permits must be obtained from South Dakota Forestry;
9. That a minimum of a twenty-five (25) foot setback be maintained for all structures located on the property;
10. That prior to Planning Commission approval, the applicant must acquire approval from the Department of Environment and Natural Resources for the wastewater disposal system for the yurts located on the property;
11. That any new approaches be approved by the Pennington County Highway Department prior to construction;
12. That all natural drainage paths be maintained;
13. That each yurt be addressed and clearly marked with adequate access;
14. That the applicant sign a Noxious Weed Plan;
15. That if construction activity has not been commenced by February 9, 2016, this Conditional Use Permit will be terminated; and,
16. That this Conditional Use Permit be reviewed in one (1) year, upon application for a Building Permit for a yurt or other construction activity relating to the Recreational Resort, or upon a complaint basis to verify compliance with the conditions of approval or as directed by the Pennington County Planning Commission.

All voting aye, the Motion carried 6 to 0.

6. CONDITIONAL USE PERMIT / CU 14-16: Justin and Cassandra Kistler. To allow a double-wide manufactured home to be used as a temporary residence while constructing a stick-built residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract 1, Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

Commissioner Hall asked to have this item removed from the Consent Calendar. She wanted to know what would happen, if the Conditional Use Permit is not extended.

Fackrell, Ordinance Officer, responded and provided a brief history explaining that staff performed a site visit to the subject property on January 15, 2015. The property consists of a double-wide manufactured home, a single-family residence, detached garage, and two storage sheds. During the site visit, it appeared to staff the applicant was residing in the newly built single-family home; the property now has two homes being resided in. Both homes are connected to the existing on-site wastewater treatment system that is not designed to handle the extra waste.

Fackrell further stated the property owner plans on selling the double-wide manufactured home and asked for an extension to Condition #1. The property owner indicated that the new residence is not completely habitable, he is currently getting divorced, and the mortgage company will not allow the manufactured home to be on the property at the close of the loan.

Staff recommended ending Conditional Use Permit / CU 14-16 at this time without the owner's concurrence based on Condition #1 of the Conditions of Approval.

Mr. Justin Kistler, applicant, appeared and asked for an extension, as he does have renters living in the double-wide manufactured home. He asked for a four month extension and said he would have the septic tank pumped twice a month during that time.

Discussion followed.

Moved by Landers to continue Conditional Use Permit / CU 14-16 to the May 11, 2015, Planning Commission meeting. Seconded by Petersen.

Fackrell, Ordinance Officer, noted that staff would like to amend Condition #1, because the current situation makes the double-wide manufactured home a violation on the property.

Ms. Kinsley Groote, Deputy State's Attorney, appeared and recommended removing Condition #1 or that this condition is waived for four months.

Commission Hall recommended amending Condition #1 to state: "That the double-wide manufactured home shall be removed from the property by the date of the next scheduled review of May 11, 2015.

Commissioners Landers and Petersen both agreed to amend Condition #1.

SUBSTITUTE MOTION: Moved by Landers and seconded by Petersen to approve of the extension of Conditional Use Permit / CU 14-16 with the following six (6) conditions:

- 1. That the double-wide manufactured home shall be removed from the property by the date of the next scheduled review of May 11, 2015;**
- 2. That the lot address be posted at the driveway, at all times, so it is clearly visible from Radar Hill Road in accordance with Ordinance #20;**

3. That prior to obtaining a Building Permit, the applicant obtain a Permit for the existing on-site wastewater treatment system through the City of Rapid City;
4. That the applicant obtain a Building Permit for the new single-family residence and pay the applicable penalty fee;
5. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as required by the Planning Commission to verify that all conditions of approval are being met.

All voting aye, the Motion carried 6 to 0.

8. LAYOUT PLAT / PL 15-01: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Tract A of Rustlers Ranch Addition, which is a 10-acre lot. Conover stated the property currently consists of a single-family residence, several outbuildings, an old cabin (currently in unlivable condition and used as storage), and five (5) 12' x 8' cabins used as temporary rentals (campground) during Sturgis Motorcycle Rally (temporary campground approved in 2000, 2001, 2002, 2003, 2004, 2005 (CUP 00-40, CUP01-34, CUP02-37, CUP03-20, CUP04-29, and CUP 05-26)).

Staff recommended approval of Layout Plat / PL 15-01 with the following thirteen (13) conditions:

1. That eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained, prior to the Plat being filed with the Register of Deeds;
2. That engineered road construction plans be submitted for the required improvements or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
3. That the property is either rezoned to Limited Agriculture District or a Lot Size Variance obtained to allow for a smaller than required lot size in a General Agriculture District, prior to the Plat being filed with the Register of Deeds;

4. That at the time of submittal of the Plat, the applicant submits topography for the area or obtains a Subdivision Regulations Variance waiving this requirement;
5. That the Section Line, located on the south side of the subject property, be improved to County Standards or a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
6. That the applicant applies for and obtains approval of any Setback Variances needed for any structures not meeting the minimum set back requirements or move any structures, not meeting the required setbacks, so that they are in compliance, prior to the Plat being filed with the Register of Deeds;
7. That prior to the Plat being filed with the Register of Deeds an Operating Permit be obtained for the existing on-site wastewater treatment system;
8. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of the property address is meeting Pennington County Ordinance #20 standards;
9. That prior to filing the Plat with the Register of Deeds, the mobile home, located within the Forest Road Easement, be removed or moved to a location on the property and meet required setbacks with Planning Department concurrence;
10. That prior to filing the Plat with the Register of Deeds, the Newton Fork ROW, adjacent to the lot, should be shown;
11. That when future plats are submitted, the word “Derainage” be changed to “Drainage” and the word “includeing” be changed to “including,” within the Drainage Notes on the plat;
12. That at the time of submittal of the Plat, the applicant submits percolations tests and soil profile information for both lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement; and,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by McCollam and seconded by Hall to approve of Layout Plat / PL 15-01 with the following thirteen (13) conditions:

- 1. That eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained, prior to the Plat being filed with the Register of Deeds;**

2. That engineered road construction plans be submitted for the required improvements or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
3. That the property is either rezoned to Limited Agriculture District or a Lot Size Variance obtained to allow for a smaller than required lot size in a General Agriculture District, prior to the Plat being filed with the Register of Deeds;
4. That at the time of submittal of the Plat, the applicant submits topography for the area or obtains a Subdivision Regulations Variance waiving this requirement;
5. That the Section Line, located on the south side of the subject property, be improved to County Standards or a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
6. That the applicant applies for and obtains approval of any Setback Variances needed for any structures not meeting the minimum set back requirements or move any structures, not meeting the required setbacks, so that they are in compliance, prior to the Plat being filed with the Register of Deeds;
7. That prior to the Plat being filed with the Register of Deeds an Operating Permit be obtained for the existing on-site wastewater treatment system;
8. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of the property address is meeting Pennington County Ordinance #20 standards;
9. That prior to filing the Plat with the Register of Deeds, the mobile home, located within the Forest Road Easement, be removed or moved to a location on the property and meet required setbacks with Planning Department concurrence;
10. That prior to filing the Plat with the Register of Deeds, the Newton Fork ROW, adjacent to the lot, should be shown;
11. That when future plats are submitted, the word “Derainage” be changed to “Drainage” and the word “includeing” be changed to “including,” within the Drainage Notes on the plat;
12. That at the time of submittal of the Plat, the applicant submits percolations tests and soil profile information for both lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement; and,

13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

9. LAYOUT PLAT / PL 15-02: Chris Wells. To reconfigure lot lines to create Lots 1 and 2 of Claaw Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: N1/2 of Government Lot 3 and N1/2 of Government Lot 4, Section 3, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Claaw Subdivision, Section 3, T1S, R9E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to reconfigure lot lines to create Lots 1 and 2 of Claaw Subdivision. The purpose of the reconfiguration is to create one (1) smaller lot that can be used and/or sold for residential purposes.

Staff recommended approval of Layout Plat / PL 15-02 with the following ten (10) conditions:

1. That Proposed Lot 1 of Claaw Subdivision be rezoned to Low Density Residential District or a Lot Size Variance obtained prior to recording of the plat at the Register of Deed's Office;
2. That an Operating Permit is obtained for the on-site wastewater treatment system located on Proposed Lot 1 of Claaw Subdivision or the system is abandoned according to SDAR 74:53:01:11 prior to Preliminary Plat submittal;
3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed 2 of Claaw Subdivision to be reviewed and approved by the Environmental Planner or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That an eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line rights-of-way, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved

Subdivision Regulations Variance waiving any of these requirements that are not met;

7. That the Section Line traversing the north side of the subject properties be improved to Ordinance #14 Standards, including a 24-foot-wide, four (4) inch graveled driving surface, prior to filing the plat at the Register of Deeds or a surety or bond be posted for these improvements, or a Subdivision Regulations Variance be obtained waiving this requirement;
8. That at the time of Preliminary Plat submittal, access to Proposed Lot 2 of Claaw Subdivision be determined and identified on the plat;
9. That the Conditional Use Permit for a single-wide mobile home (CUP 00-25) on Proposed Lot 1 of Claaw Subdivision be revoked prior to submittal of the Final Plat; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Litzen and seconded by Hall to approve of Layout Plat / PL 15-02 with the following ten (10) conditions:

- 1. That Proposed Lot 1 of Claaw Subdivision be rezoned to Low Density Residential District or a Lot Size Variance obtained prior to recording of the plat at the Register of Deed's Office;**
- 2. That an Operating Permit is obtained for the on-site wastewater treatment system located on Proposed Lot 1 of Claaw Subdivision or the system is abandoned according to SDAR 74:53:01:11 prior to Preliminary Plat submittal;**
- 3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed 2 of Claaw Subdivision to be reviewed and approved by the Environmental Planner or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That an eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 6. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than**

one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line rights-of-way, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;

7. That the Section Line traversing the north side of the subject properties be improved to Ordinance #14 Standards, including a 24-foot-wide, four (4) inch graveled driving surface, prior to filing the plat at the Register of Deeds or a surety or bond be posted for these improvements, or a Subdivision Regulations Variance be obtained waiving this requirement;
8. That at the time of Preliminary Plat submittal, access to Proposed Lot 2 of Claaw Subdivision be determined and identified on the plat;
9. That the Conditional Use Permit for a single-wide mobile home (CUP 00-25) on Proposed Lot 1 of Claaw Subdivision be revoked prior to submittal of the Final Plat; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

10. PRELIMINARY PLAT / PL 15-03 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-01: Clayton and Frances Baker; Bill Baker – Agent. To create Lots 1-4 of BTP Subdivision and to waive platting requirements in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract #0153; NE1/4NW1/4 Less Strato Bowl Subdivision and Less Row; Bal GL 9; PT NE1/4SW1/4 North of Hwy, located in Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4, BTP Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to create Lots 1-4 of BTP Subdivision. Proposed Lot 1 will be 17.5 acres, proposed Lot 2 will be 3.1 acres, proposed Lot 3 will be 3.3 acres, proposed Lot 4 will be 15.6 acres, and the proposed Right-of-Way will be 2.83 acres.

Conover further explained that the applicant has also submitted a Subdivision Regulations Variance request to waive submittal of engineered road construction plans for the required improvements to the proposed right-of-way, waive the proposed right-of-way and turnaround be improved to Local/Collector Road Standards, waive submittal of percolation test results and soil profile information for proposed Lot 4, and to waive the Section Line located on the north of the parent parcel to be improved to Ordinance #14 Standards.

Staff recommended approval of Subdivision Regulations Variance / SV 15-01 to waive submittal of engineered road construction plans for the required improvements to the proposed right-of-way, waive the proposed right-of-way and turnaround be improved to Local/Collector Road Standards, waive submittal of percolation test results and soil profile information for proposed Lot 4, and to waive the Section Line located on the north of the parent parcel to be improved to Ordinance #14 Standards.

Staff recommended approval of Preliminary Plat / PL 15-03 with the following fourteen (14) conditions:

1. That engineered road construction plans be submitted for the required improvements to proposed right-of-way or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
2. That the proposed right-of-way and turnaround be improved to Local/Collector Road Standards, which include a 24 foot wide graveled driving surface or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
3. That the Section Line, located on the north of the parent parcel (Proposed Lot 4) be improved to Ordinance #14 standards, including a 24-foot-wide, four (4) inch gravel driving surface or a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
4. That percolation test results and soil profile information, including inspection of a profile hole by the Water Protection Coordinator and/or Environmental Planner, be provided for proposed Lot 4 or else a Subdivision Regulations Variance be obtained to waive this requirement;
5. That the plat continue to be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
6. That the applicant obtain any necessary Building Permits for existing structures, with penalties, prior to the plat being filed with the Register of Deeds and any future Building Permits required for structures exceeding 144-square feet in size and/or on a permanent foundation;
7. That the applicant have the two small sheds, that have less than a 25' setback, removed from the property or obtain an approved Setback Variance for the subject sheds, prior to the Plat being filed with the Register of Deeds;
8. That Pennington County Fire Coordinator be allowed to comment, prior to the approval of new Building Permits and/or on any use changes, additional residences or commercial operations be approved;

9. That the Pennington County Emergency Services Communication Center be allowed to comment prior to the naming of the proposed right-of-way;
10. That the applicant meet with either the City of Rapid City GIS (addressing staff) and/or the Pennington County Addressing Coordinator to address addressing concerns on the property, after a road name has been approved, but prior to the plat being filed with the Register of Deeds, in accordance with Ordinance #20;
11. That any future construction on proposed Lot 1 or proposed right-of-way not interfere or inhibit the operations of the Telecommunications Facility or conflict with the Conditions of Approval for CUP 09-04;
12. That the labeling of all proposed Lot designations continue to be consistent throughout all future documents submitted by the applicant, up to and including documents for Final Plat approval;
13. That prior to the Plat being filed with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment systems located on Proposed Lots 2 and 3; and,
14. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Hall and seconded by Litzen to approve of Subdivision Regulations Variance / SV 15-01 to waive submittal of engineered road construction plans for the required improvements to the proposed right-of-way, waive the proposed right-of-way and turnaround be improved to Local/Collector Road Standards, waive submittal of percolation test results and soil profile information for proposed Lot 4, and to waive the Section Line located on the north of the parent parcel to be improved to Ordinance #14 Standards.

All voting aye, the Motion carried 6 to 0.

Moved by Hall and seconded by Litzen to recommend approval of Preliminary Plat / PL 15-03 with the following fourteen (14) conditions:

- 1. That engineered road construction plans be submitted for the required improvements to proposed right-of-way or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;**
- 2. That the proposed right-of-way and turnaround be improved to Local/Collector Road Standards, which include a 24 foot wide graveled driving surface or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;**

3. That the Section Line, located on the north of the parent parcel (Proposed Lot 4) be improved to Ordinance #14 standards, including a 24-foot-wide, four (4) inch gravel driving surface or a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
4. That percolation test results and soil profile information, including inspection of a profile hole by the Water Protection Coordinator and/or Environmental Planner, be provided for proposed Lot 4 or else a Subdivision Regulations Variance be obtained to waive this requirement;
5. That the plat continue to be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
6. That the applicant obtain any necessary Building Permits for existing structures, with penalties, prior to the plat being filed with the Register of Deeds and any future Building Permits required for structures exceeding 144-square feet in size and/or on a permanent foundation;
7. That the applicant have the two small sheds, that have less than a 25' setback, removed from the property or obtain an approved Setback Variance for the subject sheds, prior to the Plat being filed with the Register of Deeds;
8. That Pennington County Fire Coordinator be allowed to comment, prior to the approval of new Building Permits and/or on any use changes, additional residences or commercial operations be approved;
9. That the Pennington County Emergency Services Communication Center be allowed to comment prior to the naming of the proposed right-of-way;
10. That the applicant meet with either the City of Rapid City GIS (addressing staff) and/or the Pennington County Addressing Coordinator to address addressing concerns on the property, after a road name has been approved, but prior to the plat being filed with the Register of Deeds, in accordance with Ordinance #20;
11. That any future construction on proposed Lot 1 or proposed right-of-way not interfere or inhibit the operations of the Telecommunications Facility or conflict with the Conditions of Approval for CUP 09-04;
12. That the labeling of all proposed Lot designations continue to be consistent throughout all future documents submitted by the applicant, up to and including documents for Final Plat approval;

13. **That prior to the Plat being filed with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment systems located on Proposed Lots 2 and 3; and,**
14. **That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 6 to 0.

11. DISCUSSION OF DECEMBER PLANNING COMMISSION MEETINGS.

(Continued from the January 26, 2015, Planning Commission meeting.)

Conover spoke of the Planning Commission meetings scheduled for December and asked that additional December meetings be scheduled for Monday, December 7, 2015, and Monday, December 21, 2015, in lieu of Monday, December 9, 2015, of this year. This would help with submittals in December, so that applicants have two meetings to submit instead of the one meeting.

Discussion followed.

Moved by Litzen and seconded by Hall to schedule the December Planning Commission meetings on Monday, December 7, 2015, and Monday, December 21, 2015.

All voting aye, the Motion carried 6 to 0.

Holli Hennies, Commission Office Manager, appeared and stated the Tax Certificate Sales are scheduled for Monday, December 21st from 9 a.m. to 12:00 p.m.

Discussion followed to schedule the Monday, December 21st meeting starting at 1:30 p.m.

Moved by Litzen and seconded by Hall to schedule the Monday, December 7, 2015, Planning Commission meeting at 9 a.m. and the Monday, December 21, 2015, Planning Commission meeting at 1:30 p.m.

Ms. Kinsley Groote, Deputy State's Attorney, spoke of moving the time for the December 21st meeting to 3 p.m., just in case the Tax Certificate sales went longer than Noon.

Discussion to keep the December 21, 2015, meeting time open until the date nears to assess a scheduled time.

SUBSTITUTE MOTION: Moved by Litzen and seconded by Hall to schedule the Monday, December 7, 2015, Planning Commission meeting at 9 a.m. and the Monday, December 21, 2015, Planning Commission meeting will be left open at this time until the date nears to assess a scheduled time.

All voting aye, the Motion carried 6 to 0.

12. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 26, 2015, Planning Commission meeting.

13. ITEMS FROM THE PUBLIC

There were no items from the public.

14. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for January 2015.

15. ITEMS FROM THE MEMBERSHIP

A. Chairman Zvejnieks spoke of fees for large structures and questioned if the public has voiced concerns for payment of those fees and if staff has received any feedback.

Conover stated he has not received any opposition to the fees at this time.

B. Commissioner Landers spoke of Senate Bill 126 (an act to revise certain publication dates to the International Building Code) and also of House Bill 1201 (an act to revise certain provisions for Planning & Zoning).

C. Commissioner Litzen spoke of a recent article in the newspaper discussing roads being turned over to local Townships.

D. Commissioner Petersen discussed certain criteria being met and applying the criteria to applications.

16. ADJOURNMENT

Moved by McCollam and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:54 a.m.

Sig Zvejnieks, Chairperson