

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**November 28, 2016 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, Travis Lasseter, Rich Marsh, Lyndell Petersen, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Kelsey Rausch, Kinsley Groote (SAO), Angela Shute (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 14, 2016, MINUTES

**Moved by Marsh and seconded by Lasseter to approve the minutes of the November 14, 2016, Planning Commission Meeting. Roll Call Vote: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Litzen – aye. Roll Call Vote: unanimous 5 to 0. Commissioner Petersen abstained.**

2. APPROVAL OF THE AGENDA

**Moved by Lasseter and seconded by Marsh to approve the Agenda of the November 14, 2016, Planning Commission Meeting. Roll Call Vote: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Petersen – aye. Roll Call Vote: unanimous 5 to 0.**

**Moved by Marsh and seconded by Lasseter to approve the Consent Calendar of the November 28, 2016, Planning Commission Meeting. Roll Call Vote: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, Litzen – aye, and Petersen - aye. Roll Call 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 98-35:** Kenneth-Rae Company, LLC. To review a single-wide manufactured home as a single-family residence on the subject property located in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

S1/2 of that PT of GL5 lying E of Hwy 40 that excludes the S440 ft, the N388.85 ft, and the E450 ft thereof, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 98-35.**

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-30:** Ruby and Frank Matejcik. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

That Part of the SE1/4SE1/4 lying north and east of Slate Prairie Road, Section 26, T1N, R3E, BHM, Pennington County, South Dakota

(Continued from the November 14, 2016, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 12-30 the following with eight (8) conditions:**

1. That the maximum overnight occupancy, based on DENR's approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
2. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these Licenses be provided to the Planning Department each year that the Vacation Home Rental is in use;
3. That a minimum of two (2) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen (18) feet and maintained in a dust-free manner;
4. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G., during operation of the residence as a Vacation Home Rental (VHR);
5. That the lot address (11688 Slate Prairie Road) continue to be posted at all times so it is clearly visible from Slate Prairie Road, including reflective numbering, in accordance with Ordinance #20;
6. That the applicant ensures the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
7. That the Section Line right-of-way encroachment issue appears to have been corrected, however, if it is ever determined that a Section Line encroachment issue still exists, it shall be corrected by the applicant at that time; and,

8. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-31:** Walter and Barbara Digmann. To review an existing residence to be used as a temporary residence while building a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot B, Gold King Lode MS 2064, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 14-31.**

**Vote: unanimous 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-30:** Peaceful Valley Hideaway, LLC (William and Valerie Landis); Arlyn Dyce - Agent. To review an existing residence to be used as a multi-family dwelling in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota..

**To approve of the extension of Conditional Use Permit / CU 15-30 with the following six (6) conditions:**

1. That a minimum of four (4) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by eight (18) feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
2. That the property continue to be kept free of debris and junk vehicles;
3. That the address (12987 Bogus Jim Road) continue to be clearly posted on the residence and so it is visible from Bogus Jim Road in accordance with Pennington County's Ordinance #20;
4. That smoke alarms and fire extinguishers be properly maintained in working order in each unit;
5. That prior to the applicant using the property as a Vacation Home Rental (CU 15-37), Conditional Use Permit / CU 15-30 must end; and,

6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-31:** Kelly and Lana Jensen. To review living in an existing residence while building a new single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot N Revised (Formerly Lot N and Lot 1 of H), Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 15-31 with the following six (6) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address be clearly posted on the new residence, once it is finished, and at the driveway entrance, so as to be visible from both directions of Big Bend Road, in accordance with Pennington County's Ordinance #20;
3. That upon completion of the new single-family residence, the range is removed from the current residence, so as to remove the living quarters and convert the existing residence back to a shop and/or storage use only;
4. That the applicant notify the Planning Department when the new single-family residence is complete and allow staff to verify that the living quarters have been removed from the shop and/or storage building;
5. That the property be kept free of debris and junk vehicles; and,
6. That this Conditional Use Permit be reviewed in August of 2017, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 15-34:** Robert and Sheila MacLachlan. To review a family cemetery on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Maclachlan Family Cemetery located in GL 4, Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 15-34 with the following four (4) conditions:**

- 1. That the cemetery continually conforms to all regulations in Section 307 of the Pennington County Zoning Ordinance;**
- 2. That the cemetery and the applicant continue to comply with South Dakota Codified Law 34-27, which regulates Cemeteries and Burial Records;**
- 3. That sealed concrete vaults are used; and,**
- 4. That this Conditional Use Permit be reviewed on a complaint basis or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

- 9. CONDITIONAL USE PERMIT / CU 16-36: Enola Gorham; Patrick Smith – Agent. To allow a multi-family dwelling on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.**

Lot 7 less Lot H1, Stekl Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the October 24, 2016, Planning Commission meeting.)

**To continue Conditional Use Permit / CU 16-36 to the December 5, 2016, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

- 10. CONDITIONAL USE PERMIT / CU 16-38: Tom and Terri Haggerty. To allow a townhome on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.**

Lot E3-E6; Lot F1-F6; Lot G1 Except That Portion of Said Lot Lying East of Co Rd; Lot G2-G5; Lot H5, Warren Lamb Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

**To continue Conditional Use Permit / CU 16-38 to the December 19, 2016, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

- 11. CONDITIONAL USE PERMIT / CU 16-39:** Troxel Properties, LLC; Pam Troxel – Agent. To allow for a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot B of NW1/4NE1/4 and 1/2 Vac Rd Adj to said Lot, Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 16-39 with the following sixteen (16) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people;**
- 2. That the applicant provides a landline in case of an emergency, which will be verified by the Planning Department;**
- 3. That if any additions to the structure and/or if the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 5. That an On-site Wastewater Construction Permit be obtained for any upgrades or changes to the existing on-site wastewater treatment system;**
- 6. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 7. That the minimum of two (2) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 8. That an interior information sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department respectively, during operation of the VHR;**

9. That the existing driveway remains gravel so as the inlet, outlet, and pumping access ports for the septic tank are accessible;
10. That the lot address be posted at all times so it is clearly visible from Hisega Drive, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the VHR is operating in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
12. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, an approved Floodplain Development Permit be obtained;
13. That if the person designed as the Local Contact is ever changed from Pam Troxel, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-39, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

12. **PLANNED UNIT DEVELOPMENT REVIEW / PU 05-09:** Richard Sterkel. To review an existing Planned Unit Development in accordance with Sections 213 and 508 of the Pennington County Zoning Ordinance.

Lots 1, 2, and 3 of Morrison Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

**To continue the review of Planned Unit Development / PU 05-09 to the December 5, 2016, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

## END OF CONSENT CALENDAR

13. LAYOUT PLAT / PL 16-27: Three Forks Development Co.; Bob Brandt – Agent. To combine Lot 14, Lot 15, and Lot 16 to create Lot 14R of The Forks at Remmington Ranch in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 14, Lot 15, and Lot 16 of The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 14R of The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine three lots to create Lot 14R of The Forks at Remmington Ranch.

Staff recommended approval of Layout Plat / PL 16-27 with the following six (6) conditions:

1. That at the time of Minor Plat submittal, 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 waiving this requirement;
2. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That prior to a Building Permit being issued for Proposed Lot14R of The Forks at Remmington Ranch, the landowner meet with the Pennington County Fire Coordinator to discuss Fire Safety issues/concerns;
5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-27, which is available at the Planning Office; and,
6. 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 Marsh and seconded by Lasseter to approve of Layout Plat / PL 16-27 with the following six (6) conditions:**

- 1. That at the time of Minor Plat submittal, 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 waiving this requirement;**
- 2. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 4. That prior to a Building Permit being issued for Proposed Lot14R of The Forks at Remmington Ranch, the landowner meet with the Pennington County Fire Coordinator to discuss Fire Safety issues/concerns;**
- 5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-27, which is available at the Planning Office; and,**
- 6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**Roll Call Vote: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, Litzen – aye, and Petersen - aye. Roll Call Vote: the Motion carried 6 to 0.**

14. LAYOUT PLAT / PL 16-26: Pat and Stacey Brown; Davis Engineering – Agent. To reconfigure lot lines in order to create Tract A Revised, Tract B Revised, Tract C Revised, and Lot 13 Revised of J.S. Johnson Subdivision in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** Tract A, Tract B, Tract C, and Lot 13 of J.S. Johnson Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Tract A Revised, Tract B Revised, and Tract C Revised, and Lot 13 Revised of J.S. Johnson Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to reconfigure lot lines in order to create Tract A Revised, Tract B Revised, Tract C Revised, and Lot 13 Revised of J.S. Johnson Subdivision.

Staff recommended approval of Layout Plat / PL 16-26 with the following fourteen (14) conditions:

1. That prior to applying for a new plat with the Planning Department, all necessary certifications and statements be added to the Plat, per *Section 400.3 – Final Plat (and Minor Plat)* of the Pennington County Subdivision Regulations;
2. That prior to applying for a new plat with the Planning Department, the applicant submits topography at five (5) foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to applying for a new plat with the Planning Department, an eight (8) Foot Utility and Drainage Easement be dedicated on the interior side of all side lot lines or a Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to applying for a new plat with the Planning Department, the Agent delete the old lot lines and lot numbers for Lots 11, 12 and 15 Revised as they appear on the submitted Layout Plat;
5. That prior to applying for a new plat with the Planning Department, a note for the Proposed Major Drainage Easement be added to the Plat to read, “Any major drainage easement show hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.”;
6. That prior to applying for a new plat with the Planning Department, percolation tests and profile hole information be submitted for proposed Lot 13 Revised, Tract A, Tract B Revised, and Tract C Revised or a Subdivision Regulations Variance be obtained waiving this requirement;
7. That prior to applying for a new plat with the Planning Department, the applicant and/or agent meet with Staff to discuss which “Notes” from Plat Book 21, Page 82 and Plat A201415555 are to be included with the new Plat;
8. That prior to applying for a new plat with the Planning Department, the following be added to the proposed plat title (Formerly Lot 13 and Tracts A, B & C of JS Johnson Subdivision) and relabel the 100-year floodplain also as floodway;
9. That at the time Building Permits are applied for, for each of the lots, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County’s Ordinance #20;
10. That the applicants ensures that all natural drainage ways be maintained and are not blocked;

11. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
12. The prior to filing a Minor Plat with the Register of Deeds, the applicant and/or agent vacate any portions of Plat Book 21, Page 82 and Plat A201415555 that the applicant and/or agent no longer deem necessary;
13. That within ten (10) business days of the approval of PL 16-26, the Landowner signs a Statement of Understanding (SOU) for PL 16-26; the SOU is available at the Planning Department; and,
14. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

Discussion followed.

**Moved by Marsh and seconded by Lasseter to approve of Layout Plat / PL 16-26 with the following fourteen (14) conditions:**

- 1. That prior to applying for a new plat with the Planning Department, all necessary certifications and statements be added to the Plat, per *Section 400.3 – Final Plat (and Minor Plat)* of the Pennington County Subdivision Regulations;**
- 2. That prior to applying for a new plat with the Planning Department, the applicant submits topography at five (5) foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That prior to applying for a new plat with the Planning Department, an eight (8) Foot Utility and Drainage Easement be dedicated on the interior side of all side lot lines or a Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That prior to applying for a new plat with the Planning Department, the Agent delete the old lot lines and lot numbers for Lots 11, 12 and 15 Revised as they appear on the submitted Layout Plat;**
- 5. That prior to applying for a new plat with the Planning Department, a note for the Proposed Major Drainage Easement be added to the Plat to read, “Any major drainage easement show hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.”;**

6. That prior to applying for a new plat with the Planning Department, percolation tests and profile hole information be submitted for proposed Lot 13 Revised, Tract A, Tract B Revised, and Tract C Revised or a Subdivision Regulations Variance be obtained waiving this requirement;
7. That prior to applying for a new plat with the Planning Department, the applicant and/or agent meet with Staff to discuss which “Notes” from Plat Book 21, Page 82 and Plat A201415555 are to be included with the new Plat;
8. That prior to applying for a new plat with the Planning Department, the following be added to the proposed plat title (Formerly Lot 13 and Tracts A, B & C of JS Johnson Subdivision) and relabel the 100-year floodplain also as floodway;
9. That at the time Building Permits are applied for, for each of the lots, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County’s Ordinance #20;
10. That the applicants ensures that all natural drainage ways be maintained and are not blocked;
11. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
12. The prior to filing a Minor Plat with the Register of Deeds, the applicant and/or agent vacate any portions of Plat Book 21, Page 82 and Plat A201415555 that the applicant and/or agent no longer deem necessary;
13. That within ten (10) business days of the approval of PL 16-26, the Landowner signs a Statement of Understanding (SOU) for PL 16-26; the SOU is available at the Planning Department; and,
14. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

**Roll Call Vote: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, Litzen – aye, and Petersen - aye. Roll Call Vote: the Motion carried 6 to 0.**

15. LAYOUT PLAT / PL 16-28: Black Hills Raptor Center; Davis Engineering – Agent. To create Tract A of Black Hills Raptor Center Addition in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT NW1/4SE1/4 Less RTY, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Black Hills Raptor Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Tract A of Black Hills Raptor Center Addition.

Staff recommended approval of Layout Plat / PL 16-28 with the following fourteen (14) conditions:

1. All thirteen (13) conditions of Conditional Use Permit / CU 16-31 must be adhered to;
2. That prior to applying for a new plat with the Planning Department, the parent parcel (Pt NW1/4SE1/4 Less RTY, Section 35, T1N, R9E, BHM, Pennington County, South Dakota) and proposed Tract A obtain approved Lot Size Variances or approved Rezone and/or Comprehensive Plan Amendments;
3. That the applicants and landowners are made aware of all the Conditions and Special Conditions set forth by the South Dakota Department of Transportation relative to the approved Highway Approach Permit. Building Permits will not be approved without approved ingress/egress for Proposed Tract A from E. Highway 44 without SDDOT approval;
4. That prior to applying for a new plat with the Planning Department, the applicants, landowners, or agent discuss with West River Electric the need for a twenty-five (25) foot easement to accommodate an overhead powerline and add said easement to a new plat, if agreed upon;
5. That prior to applying for a new plat with the Planning Department, all necessary certifications and statements be added to the Plat, per *Section 400.3 – Final Plat (and Minor Plat)* of the Pennington County Subdivision Regulations;
6. That prior to applying for a new plat with the Planning Department, the applicant submits topography at five (5) foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;
7. That prior to applying for a new plat with the Planning Department, an eight (8) foot Utility and Drainage Easement be dedicated on the interior side of all side lot lines or a Subdivision Regulations Variance be obtained waiving this requirement;
8. That prior to applying for a new plat with the Planning Department, a note for the proposed Major Drainage Easement be added to the Plat to read, “Any major drainage easement show hereon shall be kept free of all obstructions including but

not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.”;

9. That prior to applying for a new plat with the Planning Department, percolation tests and profile hole information be submitted for proposed Tract A or a Subdivision Regulations Variance be obtained waiving this requirement;
10. That at the time Building Permits are applied for, for proposed Tract A, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County’s Ordinance #20;
11. That the applicant ensures that all natural drainage ways be maintained and are not blocked;
12. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
13. That within ten (10) business days of the approval of PL 16-28, the Landowner signs a Statement of Understanding (SOU) for PL 16-28; the SOU is available at the Planning Department; and,
14. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

Discussion followed.

**Moved by Marsh and seconded by Lasseter to approve of Layout Plat / PL 16-28 with the following fourteen (14) conditions:**

- 1. All thirteen (13) conditions of Conditional Use Permit / CU 16-31 must be adhered to;**
- 2. That prior to applying for a new plat with the Planning Department, the parent parcel (Pt NW1/4SE1/4 Less RTY, Section 35, T1N, R9E, BHM, Pennington County, South Dakota) and proposed Tract A obtain approved Lot Size Variances or approved Rezone and/or Comprehensive Plan Amendments;**
- 3. That the applicants and landowners are made aware of all the Conditions and Special Conditions set forth by the South Dakota Department of Transportation relative to the approved Highway Approach Permit. Building Permits will not be approved without approved ingress/egress for Proposed Tract A from E. Highway 44 without SDDOT approval;**

4. That prior to applying for a new plat with the Planning Department, the applicants, landowners, or agent discuss with West River Electric the need for a twenty-five (25) foot easement to accommodate an overhead powerline and add said easement to a new plat, if agreed upon;
5. That prior to applying for a new plat with the Planning Department, all necessary certifications and statements be added to the Plat, per *Section 400.3 – Final Plat (and Minor Plat)* of the Pennington County Subdivision Regulations;
6. That prior to applying for a new plat with the Planning Department, the applicant submits topography at five (5) foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;
7. That prior to applying for a new plat with the Planning Department, an eight (8) foot Utility and Drainage Easement be dedicated on the interior side of all side lot lines or a Subdivision Regulations Variance be obtained waiving this requirement;
8. That prior to applying for a new plat with the Planning Department, a note for the proposed Major Drainage Easement be added to the Plat to read, “Any major drainage easement show hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.”;
9. That prior to applying for a new plat with the Planning Department, percolation tests and profile hole information be submitted for proposed Tract A or a Subdivision Regulations Variance be obtained waiving this requirement;
10. That at the time Building Permits are applied for, for proposed Tract A, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County’s Ordinance #20;
11. That the applicant ensures that all natural drainage ways be maintained and are not blocked;
12. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;

13. That within ten (10) business days of the approval of PL 16-28, the Landowner signs a Statement of Understanding (SOU) for PL 16-28; the SOU is available at the Planning Department; and,
14. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

**Roll Call Vote: Marsh – aye, Hadcock – no, Zvejnieks – aye, Lasseter – aye, Litzen – aye, and Petersen - aye. Roll Call Vote: the Motion carried 5 to 1.**

16. VACATION OF PLAT / VP 16-02: John and Lorene Baum. To vacate notes on the plat of Lot 10, Block 4, Paha Sapa High Country Tract 2 Subdivision, Section 18, T2N, R6E.

Lot 10, Block 4, Paha Sapa High Country Tract 2 Subdivision, Section 18, T2N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied to vacate notes on the plat.

Staff recommended approval of Vacation of Plat / VP 16-02 with the following two (2) conditions:

1. That all necessary resolutions for Vacation of Plat / VP 16-02 be recorded by the applicant at the Register of Deeds' Office; and,
2. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Plat / VP 16-02, which is available at the Planning Office.

Discussion followed.

**Moved by Litzen and seconded by Peterson to approve of Vacation of Plat / VP 16-02, and to leave the statement “No Building in This Area” on the plat where indicated, with the following two (2) conditions:**

1. That all necessary resolutions for Vacation of Plat / VP 16-02 be recorded by the applicant at the Register of Deeds' Office; and,
2. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Plat / VP 16-02, which is available at the Planning Office.

**Roll Call Vote: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, Litzen – aye, and Petersen - aye. Roll Call Vote: the Motion carried 6 to 0.**



17. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 16-06: Tina Collins. To amend the existing Trailwood Planned Unit Development to allow for a home occupation, an in-home licensed massage therapy business, on the subject property in accordance with Sections 213 of the Pennington County Zoning Ordinance.

Lot 5, Block 1, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to amend the existing Trailwood Planned Unit Development to allow for a home occupation, an in-home licensed massage therapy business, on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 16-06 with the following fourteen (14) conditions:

1. That the proposed home occupation be conducted entirely within the existing single-family residence on the subject property and no stock in trade shall be displayed outside of the enclosed structure;
2. That hours of operation be from 10 a.m. to 6 p.m. by appointment only;
3. That no additional employees be allowed beyond the applicant, Tina Collins;
4. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;
5. That no off-premise signs be allowed within the Planned Unit Development;
6. That there be a minimum of two (2) off street parking spaces available at all times;
7. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request;
8. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
9. That the property remain free of debris and junk vehicles;
10. That all structures and other uses on the property, outside of the proposed home occupation, adhere to the Trailwood Village Planned Unit Development (PU 05-19) or obtain approval of separate Planned Unit Development Amendment(s);

11. That a Building Permit be obtained for structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
12. That the address (5030 Cottage Court) be continually posted on the residence so that it is visible from Cottage Court, in accordance with Pennington County's Ordinance #20;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development Amendment / PU 16-06, which is available at the Planning Office; and,
14. That Minor Planned Unit Development Amendment / PU 16-06 be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Lasseter and seconded by Marsh approval of Minor Planned Unit Development Amendment / PU 16-06 with the following fourteen (14) conditions:**

- 1. That the proposed home occupation be conducted entirely within the existing single-family residence on the subject property and no stock in trade shall be displayed outside of the enclosed structure;**
- 2. That hours of operation be from 10 a.m. to 6 p.m. by appointment only;**
- 3. That no additional employees be allowed beyond the applicant, Tina Collins;**
- 4. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;**
- 5. That no off-premise signs be allowed within the Planned Unit Development;**
- 6. That there be a minimum of two (2) off street parking spaces available at all times;**
- 7. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request;**
- 8. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;**

9. That the property remain free of debris and junk vehicles;
10. That all structures and other uses on the property, outside of the proposed home occupation, adhere to the Trailwood Village Planned Unit Development (PU 05-19) or obtain approval of separate Planned Unit Development Amendment(s);
11. That a Building Permit be obtained for structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
12. That the address (5030 Cottage Court) be continually posted on the residence so that it is visible from Cottage Court, in accordance with Pennington County's Ordinance #20;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development Amendment / PU 16-06, which is available at the Planning Office; and,
14. That Minor Planned Unit Development Amendment / PU 16-06 be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Roll Call Vote: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, Litzen – aye, and Petersen - aye. Roll Call Vote: the Motion carried 6 to 0.**

18. COUNTY BOARD REPORT

The Board of Commissioners will hear the November 14<sup>th</sup> Planning Commission's recommendations at their December 6, 2016, Board meeting, and,

1. SECOND READING OF PLANNED UNIT DEVELOPMENT / PU 16-03: Dan and Nancy Evangelisto.

The First Reading was approved by the Board of Commissioners on November 1, 2016. The Seconding Reading will be heard at the December 6, 2016, Board of Commissioner's meeting.

2. SECOND READING OF ORDINANCE AMENDMENT / OA 16-01: Pennington County. To amend Section 103 - Definitions; Section 208 - Suburban Residential District; and Section 319 - Vacation Home Rental Ordinance of the Pennington County Zoning Ordinance.

The First Reading was approved by the Board of Commissioners on November 1, 2016. The Second Reading was heard by the Board of Commissioners on November 15, 2016, with recommended changes and the Second Reading was also continued to the December 6, 2016, Board of Commissioner's meeting.

3. APPEAL OF CONDITIONAL USE PERMIT / CU 16-16: Carey or Deborah Kassube. To allow a commercial storage rental and painting business in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The Board of Commissioner's upheld the Planning Commission's decision to deny without prejudice Conditional Use Permit / CU 16-16, and also allowed the applicant a year within which to work with renters and rental contracts.

19. ITEMS FROM THE PUBLIC

No motion or actions were taken at this time.

20. ITEMS FROM THE STAFF

- A. Comprehensive Plan. Conover stated the Matrix Design Group has been selected as the Comprehensive Plan Consultant.
- B. Presentations of Staff Reports. Conover discussed the design layout of Staff Reports with the Planning Commission.
- C. County Employee Potluck. Commissioner Hadcock spoke of the upcoming employee potluck scheduled for Friday, December 9<sup>th</sup> from 11 a.m. to 1:30 p.m.

21. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

22. ADJOURNMENT

**Moved by Marsh and seconded by Lasseter to adjourn.**

**Roll Call Vote on Motion to Adjourn: Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, Litzen – aye, and Petersen - aye. Roll Call Vote: the Motion carried 6 to 0.**

**The meeting adjourned at 10:02 a.m.**

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Sig Zvejnieks, Chairperson