

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 10, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, Rich Marsh, Travis Lasseter, and Barbara Landers.

STAFF PRESENT: PJ Conover, Brittney Molitor, Amy Riddering, Frank Waisath, Michael Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. RECOGNITION OF PLANNING COMMISSION MEMBERS - SIG ZVEJNIEKS AND BARBARA LANDERS

Moved by Marsh and seconded by Lasseter to hear Item #1 after Item #18. Vote: unanimous 5 to 0.

2. APPROVAL OF THE JUNE 26, 2017, MINUTES

Moved by Lasseter and seconded by Marsh to approve the Minutes of the June 26, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

3. APPROVAL OF THE AGENDA

Moved by Lasseter and seconded by Litzen to approve the Agenda of the July 10, 2017, Planning Commission meeting, with Item #1 to be heard after Item #18. Vote: unanimous 5 to 0.

Moved by Marsh and seconded by Lasseter to approve the Consent Calendar of the July 10, 2017, Planning Commission meeting, with the removal of Item #12. Vote: unanimous 5 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.

4. CONDITIONAL USE PERMIT REVIEW / CU 05-14: Donald Straub. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208-C-19 and 510 of the Pennington County Zoning Ordinance.

N1/2 of Lot A of Lot 4; Lot B of Lot 4; Lot C of Lot 4, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

To continue the extension of Conditional Use Permit / CU 05-14 to the July 24, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

- 5. CONDITIONAL USE PERMIT REVIEW / CU 05-27: West River Electric Association. To review an electric power substation in a Limited Agriculture District in accordance with Section 206-C-11 of the Pennington County Zoning Ordinance.**

Lot WR of NE1/4NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 05-27 with the following eleven (11) conditions:

- 1. That the applicant continue to operate within the noise levels approved by SD Public Utilities Commission;**
- 2. That all lighting continue to be positioned as not to intrude onto surrounding properties;**
- 3. That any existing or future fence be located outside the public right-of-ways;**
- 4. That the area continue to be screened either with natural or artificial means so as not to cause an eyesore to the residential districts located in the area;**
- 5. That all areas continue to be maintained in a dust free manner;**
- 6. That any new approaches must be reviewed and approved by the Pennington County Highway Department;**
- 7. That all natural drainage ways continue to be maintained and not obstructed;**
- 8. That the applicant continue to follow the Noxious Weed Management Plan;**
- 9. That all structures be located as close to the ground as possible and no structure may exceed 2-1/2 stories or 35 feet in height without obtaining an approved Variance from the Pennington County Board of Commissioners;**
- 10. That an approved Building Permit be obtained for any 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; and,**
- 11. That this Conditional Use Permit be reviewed on a complaint basis, or as requested by the Planning Commission or Board of Commissioners.**

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-13:** Richard and Delores Linstrom; Rod Linstrom – Agent. To review a ranch hand’s residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Part of Lot 1 Less Tract A and B (also in Section 35 and T2S, R4E Sections 2 and 3); Hunter Tract Being a Subdivision of Lot 1 of Reno Placer, Reno Placer MS #832, Section 34, T1S, R4E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 15-13 to the July 24, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-36:** Donald and Margaret Norton. To review an existing shop building with living quarters to be used as a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-36 with the following six (6) conditions:

1. **That both the addresses assigned for the residence and the Guest House be posted so they are clearly visible from Knotty Pine Lane in accordance with Pennington County Ordinance #20;**
2. **That the Guest House be utilized and maintained in accordance with the requirements of Section 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;**
3. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**
4. **That all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval;**

5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-36, which is available at the Planning Office; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT / CU 16-07:** Ryan Nelsen. To review an existing accessory structure, a pole barn, to remain on the subject property prior to a principle structure in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot AR of Lot 2 Revised, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota

To continue the review of Conditional Use Permit / CU 16-07 to the October 9, 2017, Planning Commission meeting with the following three (3) conditions:

1. That if additional continuations of Conditional Use Permit / CU 16-07 are necessitated by the applicant, each continuation will be subject to Section 511-X;
2. The applicant meet, in person, with staff prior to October 9, 2017, to discuss Conditional Use Permit / CU 16-07 and Conditional Memos for COBP17-0250 or Notices of Violation will be sent to the applicant; and,
3. That Conditional Use Permit / CU 16-07 shall automatically be revoked, if the above-mentioned conditions are not met prior to October 9, 2017.

Vote: unanimous 5 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-03:** McDaniel Trust; Susan McDaniel. To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-03 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval,

be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Section 319-F-13 of the Pennington County Zoning Ordinance;

2. That if an addition is constructed and/or 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;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the On-Site Wastewater Treatment System;
4. 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, prior to operation of the Vacation Home Rental;
5. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of two (2) off-street parking spaces be provided on-site, per Section 310-A-9-gg of the Pennington County Zoning Ordinance, with each measuring a minimum of nine (9) feet by eighteen (18)feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational 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 the Fire Department and the Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (24405 Oak Meadows Road) be posted on the residence at all times and at the end of the driveway so that it is clearly visible from both directions of travel on Oak Meadows Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) of the Pennington County Zoning Ordinance at all times;
10. That if the person designated as the Local Contact is ever changed from Susan McDaniel, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within five hundred (500) feet of the outer boundaries of the Vacation Home Rental property via notices sent by First Class Mail;

11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
13. That an approved Building Permit be obtained for any 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;
14. That prior to the transfer of this Vacation Home Rental property to a new owner(s), Section 319-C-5 must be followed;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-03, 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 Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

10. **CONSTRUCTION PERMIT REVIEW / CU 15-15:** Flack Trucking, Inc. To review the continuation of stockpiling soil, leveling the plowed fields, and removing soil from the property. The disturbed area is being returned to farm ground.

Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit / CU 15-15 with the following eleven (11) conditions:

1. That the approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. That a Haul Road Agreement from the County Highway Department be obtained, if necessary;
3. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;

4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;
6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
7. That the applicant use the south approach off of Bennett Road to access the site;
8. That any natural drainage ways and paths be continually maintained;
9. That any monuments establishing property boundaries be replaced as necessary;
10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
11. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

11. **CONDITIONAL USE PERMIT / CU 17-23:** Cliff Dahl. To allow for existing structures to remain on the subject property to include the addition of a new pole frame building on the subject property in a Limited Agriculture District in accordance with Section 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Windy Hollow Subdivision, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the June 26, 2017, Planning Commission meeting.)

To approve of Conditional Use Permit / CU 17-23 with the following seven (7) conditions:

1. That the lot address, 23000 Radar Hill Road, be posted so it is clearly visible from Radar Hill Road in accordance with Pennington County Ordinance #20;

2. That an approved 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;
3. That all local, state, and federal requirements for construction of the pole building and any other structures on the subject property be met;
4. That the subject property remains free of debris and junk vehicles;
5. That the accessory structures be used for personal use only and no commercial-type uses and not for living space and that the subject property remains free of debris and junk vehicles;
6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-23, which is available at the Planning Office; and,
7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

13. **CONDITIONAL USE PERMIT / CU 17-24:** Chace and Leslie Larsen. To allow an internally illuminated sign within 1,500 feet of a residential zoning district/dwelling unit in a General Agriculture District in accordance with Sections 312 and 510 of the Pennington County Zoning Ordinance.

(Also in Section 28), Midway Fraction Lode MS 2014, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 17-24 with the following eight (8) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the adjacent traveled roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
2. That the applicant obtain a Sign Permit for the proposed sign prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;

3. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the sign must continually meet a minimum of a five (5) foot setback from the front property lines and maintain proper setbacks from all side and rear property lines. Also that no part of the sign or infrastructure used for the lighting be placed in, or hang-over a right-of-way.
5. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
6. That the installation of any other sign(s) on the property may require a separate Sign Permit and a separate Conditional Use Permit;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-24, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditionals of Approval are being met.

Vote: unanimous 5 to 0.

END OF CONSENT CALENDAR

12. CONDITIONAL USE PERMIT / CU 17-26: Grant Bolt; Greg Bolt – Agent. To allow a Recreation Resort Area on the subject property to include a maximum of 11 seasonal cabins, a manager’s residence, and a maintenance shop in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Staff asked for this Item to be removed from the Consent Calendar to note that the Agenda indicated the file number as Conditional Use Permit / CU 17-23, and, staff will make the change to the correct file number to Conditional Use Permit / CU 17-26.

Staff recommended to deny without prejudice Conditional Use Permit / CU 17-26 with the applicant’s concurrence.

Discussion followed.

Moved by Landers and seconded by Lasseter to deny without prejudice Conditional Use Permit / CU 17-26 with the applicant's concurrence.

All voting aye, the Motion carried 5 to 0.

14. CONDITIONAL USE PERMIT / CU 17-25: Donald Wojciechowski; Lisa Loerzel – Agent. To allow for one (1) pole barn and three (3) greenhouse structures in a Suburban Residential District located on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to allow one (1) pole barn structure in a Suburban Residential District located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

NW1/4NE1/4SW1/4, and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Ridding reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for one (1) pole barn and three (3) greenhouse structures in a Suburban Residential District located on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to allow one (1) pole barn structure in a Suburban Residential District located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future.

Staff recommended approval of Conditional Use Permit / CU 17-25 with the following nine (9) conditions:

1. That the address, 8374 Miracle Drive, for subject property of lot E1/2 GL3, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
2. That the address, 8368 Miracle Drive, for subject property of lot NW1/4NE1/4SW1/4, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
3. That an approved 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;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the properties, or the appropriate Variance(s) be obtained;
5. That the subject properties remains free of debris and junk vehicles;

6. That the accessory structures be used for personal-use only and no commercial-type uses and not for living space;
7. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-25, which is available at the Planning Office; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and seconded by Lasseter to approve of Conditional Use Permit / CU 17-25 with the following ten (10) conditions:

- 1. That the address, 8374 Miracle Drive, for subject property of lot E1/2 GL3, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;**
- 2. That the address, 8368 Miracle Drive, for subject property of lot NW1/4NE1/4SW1/4, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;**
- 3. That an approved 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;**
- 4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the properties, or the appropriate Variance(s) be obtained;**
- 5. That the subject properties remains free of debris and junk vehicles;**
- 6. That the accessory structures be used for personal-use only and no commercial-type uses and not for living space;**
- 7. That the structures are located on the subject properties in accordance with the submitted Site Plan (Exhibit A – Wojciechowski dated July 10, 2017) with the Conditional Use Permit Application;**
- 8. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;**

9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-25, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

15. CONSTRUCTION PERMIT / CP 17-08: Loerzel Construction. To construct a 650-foot-long driveway that will provide access to the subject property located in the NW1/4NE1/4SW1/4 of Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

NW1/4NE1/4SW1/4 of Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Doreff reviewed the Staff Reporting indicating the applicant has applied for a Construction Permit to construct a 650-foot-long driveway that will provide access to the subject property located in the NW1/4NE1/4SW1/4 and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Staff recommended approval of Construction Permit / CP 17-08 with the following eight (8) conditions:

1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
6. That all natural drainage ways and paths be continually maintained;

7. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
8. That this Construction Permit expires one (1) year from approval date, and may be reviewed 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.

Discussion followed.

Moved by Marsh and seconded by Lasseter to approve of Construction Permit / CP 17-08 with the following eight (8) conditions:

- 1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
- 5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
- 6. That all natural drainage ways and paths be continually maintained;**
- 7. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,**
- 8. That this Construction Permit expires one (1) year from approval date, and may be reviewed 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.**

All voting aye, the Motion carried 5 to 0.

16. LAYOUT PLAT / PL 17-15: Dustin Hunsaker / Gary Hunsaker. To create Lot 2 and Lot 3 of Lower Spring Creek Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2SE1/4 W of RR ROW less Lot 1 Lower Spring Creek Sub and less Old Folsom Road, Section 22, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 and Lot 3 of Lower Spring Creek Subdivision, Section 22, T1S, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to create Lot 2 and Lot 3 of Lower Spring Creek Subdivision.

Staff recommended approval of Layout Plat / PL 17-15 with the following eleven (11) 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 applicant submits percolation tests and soil profile information for proposed Lot 2 and Lot 3, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the Plat Heading is changed per Register of Deeds comments, "Plat Heading – should say... Located in SW1/4SE1/4 Section 22, and NW1/4NE1/4....";
4. That at the time of a Minor Plat submittal, the indicated " 17' Public Road Easement" continue to appear on the Plat;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

9. That prior to approval of Building Permits, the applicant obtain approval for the location of access points for Proposed Lot 2 and Lot 3 and obtain any additional permits required for their construction;
10. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-15. The SOU is available at the Planning Office; and,
11. 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 Lasseter and seconded by Litzen to approve of Layout Plat / PL 17-15 with the following eleven (11) 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 applicant submits percolation tests and soil profile information for proposed Lot 2 and Lot 3, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That at the time of Minor Plat submittal, the Plat Heading is changed per Register of Deeds comments, “Plat Heading – should say... Located in SW1/4SE1/4 Section 22, and NW1/4NE1/4....”;**
- 4. That at the time of a Minor Plat submittal, the indicated “ 17’ Public Road Easement” continue to appear on the Plat;**
- 5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 6. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;**
- 7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 8. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**

9. That prior to approval of Building Permits, the applicant obtain approval for the location of access points for Proposed Lot 2 and Lot 3 and obtain any additional permits required for their construction;
10. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-15. The SOU is available at the Planning Office; and,
11. 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 5 to 0.

17. LAYOUT PLAT / PL 17-16: Tom or Stephanie Hill. To create Lot 2 and Lot 3 of Becher Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Becher Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 and Lot 3, Becher Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to create Lot 2 and Lot 3 of Becher Subdivision.

Staff recommended approval of Layout Plat / PL 17-16 with the following ten (10) conditions:

1. That prior to filing a new plat application, the landowners must obtain approved Building Permits, with applicable penalty fees, for existing structures on Lot 1 that have not yet been permitted;
2. That at the time of new Plat submittal, the Plat heading be corrected to match the Register of Deeds comments;
3. That at the time of new 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;
4. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for the proposed 6.06 acre lot, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

5. That at the time of new Plat submittal, the existing 40-foot-wide access easement (Book 51 Page 2857) remain;
6. That at the time of new Plat submittal, the plat meets all 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;
7. That current and future addresses be properly posted in accordance with Pennington County's Ordinance #20;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-16, which is available at the Planning Office; 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 Landers to approve of Layout Plat / PL 17-16 with the following ten (10) conditions:

- 1. That prior to filing a new plat application, the landowners must obtain approved Building Permits, with applicable penalty fees, for existing structures on Lot 1 that have not yet been permitted;**
- 2. That at the time of new Plat submittal, the Plat heading be corrected to match the Register of Deeds comments;**
- 3. That at the time of new 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;**
- 4. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for the proposed 6.06 acre lot, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That at the time of new Plat submittal, the existing 40-foot-wide access easement (Book 51 Page 2857) remain;**

6. That at the time of new Plat submittal, the plat meets all 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;
7. That current and future addresses be properly posted in accordance with Pennington County's Ordinance #20;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-16, which is available at the Planning Office; 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 5 to 0.

18. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-04: Kelly Development / Ryan Kelly. To amend the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract B less Sheridan Lake Highlands less ROW, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the June 26, 2017, Planning Commission meeting.)

Conover reviewed that this Item was continued from June 26, 2017, Planning Commission meeting in order for the applicant to appear to address concerns of the Planning Commission and in order for staff to perform additional research for the Conditions of Approval.

Discussion followed.

Moved by Landers and seconded by Lasseter to continue Major Planned Unit Development Amendment / PU 17-04 to the July 24, 2017, Planning Commission meeting in order for the applicant to appear to address concerns of the Planning Commission.

All voting aye, the Motion carried 5 to 0.

1. RECOGNITION OF PLANNING COMMISSION MEMBERS - SIG ZVEJNIEKS AND BARBARA LANDERS. Conover thanked Planning Commission members Sig Zvejnieks and Barbara Landers for their service to Pennington County.

19. COUNTY BOARD REPORT

The Board of Commissioners will hear the June 26th Planning Commission recommendations at their Tuesday, July 11th Board of Commissioner's meeting.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

21. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit for June 2017.

22. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh stated he would not be at the July 24th meeting.

23. ADJOURNMENT

Moved by Litzen and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 10:37 a.m.

Sig Zvejnieks, Chairperson