

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**September 25, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lassetter, Lori Litzen, Bill McCollam, Rich Marsh, Kathryn Johnson, Sonny Rivers, and Ron Buskerud.

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 11, 2017, MINUTES  
**Moved by Litzen and seconded by Marsh to approve the Minutes of the September 11, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Johnson and seconded by Rivers to approve the Agenda of the September 25, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by McCollam and seconded by Johnson to approve the Consent Calendar of the September 25, 2017, Planning Commission meeting. Vote: unanimous 7 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 12-22: Steve and Dorothy Wilkison. To review multiple RV sites to be used on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4 less DW Hansen Tract, less Tract Sires and less ROW, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 12-22 to the October 23, 2017, Planning Commission meeting, with the applicants' concurrence.**

**Vote: unanimous 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-28:** Michael or Erika Radtke; Kathleen Kaul – Owner. To review a single-wide mobile home to be used as a ranch hand’s residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Pt of S1/2SE1/4 lying South of Highway less right-of-way and less Tract A, Wiese Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 15-28 with the following eight (8) conditions:**

1. **That if the use of the single-wide mobile home as a ranch hand residence is not established by January 19, 2018, that per Section 510(E)(1)(b) of the Zoning Ordinance, Conditional Use Permit / CU 15-28 will automatically expire;**
2. **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;**
3. **That the residence be occupied by a ranch hand or used as housing for hired help at all times, and not used as a rental by someone not engaged in the daily operation of the farm or ranch located on the subject property;**
4. **That the address for the ranch hand’s residence continue to be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County’s Ordinance #20;**
5. **That the minimum setback requirements of a General Agriculture District continue be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit;**
6. **That the applicants and landowners sign a new Statement of Understanding within ten (10) business days of the extension of Conditional Use Permit / CU 15-28, which is available at the Planning Office;**
7. **That prior to moving the single-wide mobile home off the subject property, a Removal Permit be obtained from the Planning Department;**
8. **That this Conditional Use Permit be reviewed at the January 22, 2018, Planning Commission Meeting, or 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 7 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-20:** Perry or Vicki Van Newkirk. To review a pole barn constructed prior to a residential structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 48 (includes 48A), Burns Placers #697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 16-20 to the January 22, 2018, Planning Commission meeting to allow the applicant time to combine two lots into one.**

**Vote: unanimous 7 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-25:** Alvin or Sharon Gullickson; Collin Goodwin/Thrive Properties, LLC – Agent. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 4, Annie Lode MS 1721, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 16-25 to the October 23, 2017, Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-28:** Chace and Leslie Larsen. To review a Recreation Resort Area on the subject property in a General Agriculture District in accordance with Sections 205 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 the extension of Conditional Use Permit / CU 16-28 with the following nineteen (19) conditions:**

1. **That the uses of the Conditional Use Permit continue to be limited to four (4) seasonal rental cabins, an office/laundry facility, and the existing single-family residence to be used as the manager’s residence;**
2. **That the rental cabins be allowed to operate from May through August of each year;**

3. That the address assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way and Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
4. That the address for the main house (23935 Pink Cabin Road) continue to be posted on the residence and so that it is visible from both directions of travel on Pink Cabin Road, in accordance to Pennington County's Ordinance #20;
5. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;
7. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
8. That the applicant maintain all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
9. 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;
10. That the property continually remains free of debris and junk vehicles and all structures be well-maintained;
11. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
12. 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;

13. That 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 or amendment of this Conditional Use Permit;
14. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
15. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
16. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
17. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
18. That quiet hours for the Recreation Resort be between 10 p.m. and 8 a.m.; and,
19. That this Conditional Use Permit be reviewed at the April 23, 2018, Planning Commission meeting, 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.

**Vote: unanimous 7 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-30:** Carol and Paul Niemann. To review an accessory structure, pole barn, prior to a primary structure on the subject property in a General Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot O of SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-30 with the following eleven (11) conditions:**

1. That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;
2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction of the structure, which requires a site plan to be reviewed and approved by the Planning Director;

3. 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;
4. That the minimum setback requirements of a General Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That the accessory structure be used for personal use only and no commercial-type uses;
7. That the applicant obtains an approved Approach Permit from the Pennington County Highway Department prior to the issuance of a Building Permit;
8. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
9. That the access on Highway 385 is not used as a means of ingress or egress onto the subject property;
10. That the property owner is aware of the U.S. Forest Service requirements at all times;
11. 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 the Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 16-32:** Lynn and Gloria Smith. To review an existing single-family residence to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 2 Less ROW; S1/2NE1/4; SE1/4 Less 1AC and PT Lot 1 S of RR ROW, Section 2, T1N, R11E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-32 with the following seven (7) conditions:**

1. That the ranch hand's residence be occupied by a ranch hand or used as housing for hired help at all times, and is not be used as a rental by someone not engaged in the operation of the farm or ranch located on the subject property;
2. That separate addresses be used for both residences on the subject property and that each be posted both where the driveway meets 164th Avenue and on the individual structures so as to be visible from either direction of travel in numbers large enough to read, in accordance with Pennington County's Ordinance #20;
3. 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;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property;
6. That Conditional Use Permit / CU 16-32 be automatically ended and the ranch hand's residence be removed or the subject property be subdivided, if the operation of the farm or ranch is discontinued, the ranch hand is no longer needed, or the ranch hand's residence is used as a rental by someone not engaged in the operation of the farm or ranch located on the subject property;
7. That this Conditional Use Permit be reviewed in three (3) years, 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 7 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 16-33:** Clinton Nulle. To review a single-wide mobile home to be used as a permanent single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 16-33 to the December 18, 2017, Planning Commission meeting.

**Vote: unanimous 7 to 0.**

11. **PLANNED UNIT DEVELOPMENT REVIEW / PU 93-01:** George Bieber. To review a recreational resort in a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

NE1/4NE1/4, Section 11, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development / PU 93-01 with the following six (6) conditions:

1. That the use as described in the application be limited to a) recreational resort area including tent and RV camping four spaces, two trailers for overnight rentals, restrooms, concession sales of small refreshment items and accessory structures; b) primary residence mobile home; c) a mobile home for employee housing; d) forestry and tree harvesting; and e) hiking trails;
2. The resort use shall continue to meet the requirements of DENR for all water and sewer facilities;
3. No access of motorized vehicles shall be permitted from the property except on roads or trails designated by the Forest Service;
4. That the applicant or property owner sign a Statement of Understanding, which is available in the Planning Department within ten (10) business days;
5. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all exterior property lines, fifty-eight (58) feet from all Section Lines, and ten (10) feet from any interior lot lines; and
6. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to determine that all conditions of approval are being met.

**Vote: unanimous 7 to 0.**

12. **PLANNED UNIT DEVELOPMENT REVIEW / PU 04-08:** 6S Properties, LLC. To review a Planned Unit Development that allows for up to five (5) residential lots and a neighborhood commercial area in accordance with Section 213 and 508 of the Pennington County Zoning Ordinance.

The unplatted portion of SE1/4 south of Highway 44, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.



To recommend approval of the extension of Planned Unit Development / PU 04-08 with the following eight (8) conditions:

1. That the approved uses of the Planned Unit Development shall be for up to five (5) stick-built, single-family residences with accessory structures and a neighborhood commercial area not to exceed four (4) acres in area;
2. Any new wastewater disposal systems installed after September 1, 2004, shall be an evapotranspiration system and any platting that may occur after September 1, 2004, shall include a note indicating this requirement;
3. That prior to a Building Permit being issued for a single-family residence or neighborhood commercial use, the applicant shall submit an engineered individual wastewater disposal system for review and approval by the Pennington County Environmental Planner;
4. That prior to any Building Permit being issued on the subject property, the applicant shall submit an Approach Permit to the S.D. Department of Transportation for review and approval;
5. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all exterior property lines, fifty-eight (58) feet from all Section Lines, and ten (10) feet from any interior lot lines;
6. That the neighborhood commercial uses shall be limited to: medical doctor, dentist, optometrist, chiropractor, retail such as a food market, gift shop, pharmacy, bakery, video rental/sales, computer, etc., bank, barber/beauty shop, laundry and cleaning services including collection stations, shoe repair, professional and business offices and other uses providing those services will be conducted to the local community as determined by the Planning Director;
7. That all residences must meet the standards for stick-built as outlined in Section 204 and all commercial structures shall be stick-built; and,
8. That this Planned Unit Development be reviewed in five (5) years to determine that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

13. **CONDITIONAL USE PERMIT / CU 17-35:** Carolyn Hunt. To allow for a single-wide mobile to be used as a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208, 304 and 510 of the Pennington County Zoning Ordinance.

Lot C, Block 1, Sathe Subdivision, Section 15, T2N, R08E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-35 with the following nine (9) conditions:**

- 1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;**
- 2. That approval form the City of Rapid City for an On-Site Wastewater Treatment System be submitted prior to the installation of the proposed single-wide mobile home;**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or the appropriate setback variance be obtained;**
- 4. That the subject property remains free of debris and junk vehicles;**
- 5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
- 6. 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;**
- 7. That the address is clearly posted on the residence and so that it is visible from both directions of travel on Bennett Road in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-35; and,**
- 9. 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 7 to 0.**

**END OF CONSENT CALENDAR**

14. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-08: Eugene and Julie Kleindl; Julie Aughenbaugh - Agent. To amend the existing Rushmore Ranch Estates Planned Unit Development to change the use of Tract 43 from commercial to residential and to allow the use of a Bed and Breakfast on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 43, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant/agent applied for a Major Planned Unit Development Amendment to amend the existing Rushmore Ranch Estates Planned Unit Development to change the use of Tract 43 from commercial to residential and to allow the use of a Bed and Breakfast on the subject property.

Bolstad further stated the current owners of the property do not want the Bed and Breakfast and asked that the PUD Amendment be approved without that request.

Staff recommended approval of Major Planned Unit Development Amendment / PU 17-08 to change the use of Tract 43 from commercial to residential with the following twelve (12) conditions:

1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a minimum of 73 acres of common area be provided;
6. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
7. That no structures have wood shakes;
8. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;

9. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;
10. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. 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; and,
12. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

Discussion followed.

**Moved by Marsh and seconded by Litzen to approve of Major Planned Unit Development Amendment / PU 17-08 to change the use of Tract 43 from commercial to residential with the following twelve (12) conditions:**

- 1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;**
- 2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;**
- 3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);**
- 4. That all single-family residences be constructed on lots containing three (3) acres or more;**
- 5. That a minimum of 73 acres of common area be provided;**
- 6. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;**
- 7. That no structures have wood shakes;**

8. **That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;**
9. **That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;**
10. **The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;**
11. **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; and,**
12. **That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.**

**All voting aye, the Motion carried 7 to 0.**

15. MINOR PLAT / PL 17-26 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-09: Dean and Patricia Farr. To combine two lots in order to create Lot 6 Revised, Block D, Edelweiss Mountain Development Subdivision and to waive platting requirements in accordance with Section 400.3 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 and Lot 6 (also in Section 20), Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 6 Revised, Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat and Subdivision Regulations Variance to combine two lots in order to create Lot 6 Revised, Block D, Edelweiss Mountain Development Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 17-09 to waive submittal of road construction plans and road improvements; and, to allow a forty (40) foot access easement in lieu of a sixty-six (66) foot access easement; and approval of Minor Plat / PL 17-26 with the following eight (8) conditions:

1. That prior to recording the Plat with the Register of Deeds, a Utility Easement continue to be dedicated, according to the comments from Black Hills Energy;
2. That prior to recording the Plat with the Register of Deeds, a curve data table be added to the plat, per comments from the Department of Equalization;
3. That prior to recording the Plat with the Register of Deeds, an eight (8) foot Minor Drainage and Utility Easements continue to be dedicated on the interior sides of all lot lines;
4. That all existing easements for Brenner Pass and Danube Lane continue to be maintained during this platting process;
5. That the applicant ensures that all natural drainage ways continue to be maintained and are not blocked;
6. That the existing address be properly posted on existing or future structures in accordance with Pennington County's Ordinance #20;
7. That the Certifications on the plat continue to be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-26, which is available at the Planning Office.

Discussion followed.

**Moved by Litzen and seconded by McCollam to approve of Subdivision Regulations Variance / SV 17-09 to waive submittal of road construction plans and road improvements; and, to allow a forty (40) foot access easement in lieu of a sixty-six (66) foot access easement.**

**All voting aye, the Motion carried 7 to 0.**

Discussion followed

**Moved by Marsh and seconded by Litzen to approve of Minor Plat / PL 17-26, and to amend language in Condition #1, with the following eight (8) conditions:**

- 1. That prior to recording the Plat with the Register of Deeds, the Agent meet with a representative from Black Hills Energy to determine which easements need to remain and to be noted on the Plat;**

2. **That prior to recording the Plat with the Register of Deeds, a curve data table be added to the plat, per comments from the Department of Equalization;**
3. **That prior to recording the Plat with the Register of Deeds, an eight (8) foot Minor Drainage and Utility Easements continue to be dedicated on the interior sides of all lot lines;**
4. **That all existing easements for Brenner Pass and Danube Lane continue to be maintained during this platting process;**
5. **That the applicant ensures that all natural drainage ways continue to be maintained and are not blocked;**
6. **That the existing address be properly posted on existing or future structures in accordance with Pennington County's Ordinance #20;**
7. **That the Certifications on the plat continue to be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,**
8. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-26, which is available at the Planning Office.**

**All voting aye, the Motion carried 7 to 0.**

16. LAYOUT PLAT / PL 17-27 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-10: Koenig Family Trust; Sheila Watkins – Trustee. To create Lot A of Edelweiss Mountain Development No. 2 and to waive platting requirements in accordance with Section 400.1 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1-3 (also in Section 20) (S1/2 of 17; N1/2 of 20), Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A, Edelweiss Mountain in Development No. 2 Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat and Subdivision Regulations Variance to create Lot A of Edelweiss Mountain Development No. 2 and to waive platting requirements.

Staff originally recommended approval of Subdivision Regulations Variance / SV 17-10 to waive submittal of road construction plans and road improvements; and, to allow for a 20'-30'- foot access easement, in lieu of a sixty-six (66) foot access easement

Staff is now recommending approval of Subdivision Regulations Variance / SV 17-10 to waive submittal of road construction plans and road improvements; to allow for a 20'-30'- foot access easement, in lieu of a sixty-six (66) foot access easement; and to allow for the existing platted 6-foot-wide Utility and Drainage Easement, located on existing Lot 29, Block B, on all lot lines in lieu of the current requirement for 8-feet and to allow for the existing platted 10-foot-wide Utility and Drainage Easement, located on existing Lot 1, Block D, on the interior sides of all subject lot line in lieu of the current requirement of 8-feet; and approval of Minor Plat / PL 17-27 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, the legal description be changed in accordance with the Register of Deeds and Department of Equalization's comments;
2. That at the time of Minor Plat submittal, the proposed eight (8) foot and ten (10) foot utility and drainage easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
4. That the existing address be properly posted on existing or future structures in accordance with Pennington County's Ordinance #20;
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 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;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-27, which is available at the Planning Office; and,
8. 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 Johnson and seconded by Litzen to approve of Subdivision Regulations Variance / SV 17-10 to waive submittal of road construction plans and road improvements; to allow for a 20'-30'- foot access easement, in lieu of a sixty-six (66) foot access easement; and to allow for the existing platted 6-foot-wide Utility and**



**Drainage Easement, located on existing Lot 29, Block B, on all lot lines in lieu of the current requirement for 8-feet and to allow for the existing platted 10-foot-wide Utility and Drainage Easement, located on existing Lot 1, Block D, on the interior sides of all subject lot line in lieu of the current requirement of 8-feet.**

**All voting aye, the Motion carried 7 to 0.**

Discussion followed.

**Moved by Litzen and seconded by McCollam to approval of Minor Plat / PL 17-27 with the following eight (8) conditions:**

- 1. That at the time of Minor Plat submittal, the legal description be changed in accordance with the Register of Deeds and Department of Equalization's comments;**
- 2. That at the time of Minor Plat submittal, the proposed eight (8) foot and ten (10) foot utility and drainage easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 4. That the existing address be properly posted on existing or future structures in accordance with Pennington County's Ordinance #20;**
- 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 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;**
- 7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-27, which is available at the Planning Office; and,**
- 8. 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 7 to 0.**

17. LAYOUT PLAT / PL 17-25: Josh and Lindsay Richardson; Andersen Engineers, Inc. – Surveyor/Engineer. To reconfigure lot lines to create Tract 52 Revised and Tract 53 Revised of Spring Creek Acres Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That Part of Tract 53 in Section 3; That Part of Tract 52 in Section 3; That Part of Tract 52 in Section 10; and That Part of Tract 53 in Section 10, all located in Spring Creek Acres Subdivision, Sections 3 and 10, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL Tract 52 Revised and Tract 53 Revised of Spring Creek Acres Subdivision, Sections 3 and 10, T2S, R8E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Layout Plat to reconfigure lot lines to create Tract 52 Revised and Tract 53 Revised of Spring Creek Acres Subdivision.

Staff recommended approval of Layout Plat / PL 17-25 with the following seven (7) conditions:

1. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Tract 52 Revised and proposed Tract 53 Revised to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of new 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 the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-25, which is available at the Planning Office; and,

7. 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 Litzen to approve of Layout Plat / PL 17-25 with the following seven (7) conditions:**

1. **That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Tract 52 Revised and proposed Tract 53 Revised to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
2. **That at the time of new 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 the applicant ensures that all natural drainage ways are maintained and are not blocked;**
5. **That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**
6. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-25, which is available at the Planning Office; and,**
7. **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 7 to 0.**

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 11, 2017, Planning Commission meeting. Vacation of Plat (Walter Horton) was continued again at the request of the Board.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken.

20. ITEMS FROM THE STAFF

- A. Comprehensive Plan Meeting Workshops - Update. Conover informed the Planning Commission of upcoming Comprehensive Plan Meeting Workshops that Matrix will be hosting, which are scheduled for Monday, September 25th at the Black Hills State University, Rapid City Campus (Rooms 124/126), Rapid City at 6 p.m.; Wednesday, September 27th at the Hill City High School Theater, Hill City at 6 p.m.; and Thursday, September 28th at the Wall Community Center, Wall, at 6 p.m.
- B. Section 204-G “Special Animal Keeping Regulations” of the Zoning Ordinance. Conover informed the Planning Commission that this Item was brought before the Board of Commissioners to form a Committee to discuss and possibly amend this Section of the Zoning Ordinance to address chickens and animals.
- C. Valley Heights Subdivision. Conover informed the Planning Commission of an upcoming public meeting scheduled for Wednesday, October 4<sup>th</sup> from 6 p.m. to 7 p.m. in the Board of Commissioner’s Meeting Room to discuss concerns regarding water availability in this subdivision.

21. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

22. ADJOURNMENT

**Moved by Litzen and seconded by McCollam to adjourn.**

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 9:34 a.m.**

---

Travis Lasseter, Chairperson