

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
November 27, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Lori Litzen, Rich Marsh, Kathryn Johnson, William McCollam, Sonny Rivers, and Mark DiSanto.

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 13, 2017, MINUTES
Moved by Marsh and seconded by Rivers to approve the Minutes of the November 13, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Marsh to approve the Agenda of the November 27, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

Commissioners Litzen and DiSanto appeared at the meeting at 9:01 a.m.

Moved by McCollam and seconded by DiSanto to approve the Consent Calendar of the November 27, 2017, Planning Commission meeting with the removal of Items #4 and #10. 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 15-30:** Peaceful Valley Hideaway, LLC (William and Valerie Landis). To review 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 five (5) 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) and unit numbers 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; and,
5. That this Conditional Use Permit be reviewed in three (3) 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 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-40:** John and Polly Preston. To review a caretaker's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract AR, Preston Subdivision, Section 18, T2S, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-40 with the following eleven (11) conditions:

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That an On-Site Wastewater Treatment Stem Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System to serve the caretaker's residence and prior to construction or installation of the proposed caretaker's residence;
3. That the graywater from the holding tank only be used to irrigate the property and shall not be applied to land utilized for food production or disposed of as solid waste;

4. That an approved Building Permit be obtained 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;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That the subject property remains free of debris and junk vehicles;
7. That an updated Doctor's note be provided during each review of Conditional Use Permit / CU 16-40;
8. That once care is no longer needed for Dewey Possehl, the caretaker's residence be removed from the subject property or the subject property be subdivided so that each residence is on a separate lot;
9. That once the cabin is no longer utilized for Dewey Possehl, the alternative composting toilet and 1,000 gallon graywater system be removed from the property as the approval of this OSWTS system was based upon the temporary nature of the caretaker's residence;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 16-40, which is available at the Planning Office; and,
11. 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 Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-09:** Wesley and Carrie Mentele. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Melchert Ranch Subdivision, Section 15, T2N, R3E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-09 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to

twenty (20) people, per Pennington County Zoning Ordinance Section 319-F-13;

- 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 applicants 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;**
- 5. That the applicants maintain 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 four (4) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 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 Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;**
- 8. That the lot address (11524 Melchert Place) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Melchert Place, in accordance with Pennington County's Ordinance #20;**
- 9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;**
- 10. That if the person designated as the Local Contact is ever changed from Glenda Robertson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;**

11. That the proper permits be obtained prior to utilizing the fire pit on the property and all fire restrictions be followed at all times;
12. 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;
13. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
15. 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;
16. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-09, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in six (6) months, 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.

7. **CONDITIONAL USE PERMIT / CU 17-40:** Richard Burton. To allow for a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NE1/4; S1/2SW1/4SW1/4NE1/4; SE1/4SW1/4NE1/4; N1/2N1/2W1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 17-40 with the following ten (10) conditions:

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That an approved Building Permit be obtained for the caretaker's residence and 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;

3. That an approved On-Site Wastewater Treatment System Permit be obtained for the proposed caretaker's residence or that the existing system be expanded to accommodate for the proposed caretaker's residence approved by the Environmental Planner;
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or an appropriate Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That a Doctor's note be provided within ninety (90) days of approval of Conditional Use Permit / CU 17-40;
7. That an updated Doctor's notes be provided during each review of Conditional Use Permit / CU 17-40;
8. That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-40, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed at the February 26, 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. **CONSTRUCTION PERMIT / CP 17-11:** Greg Loerzel Construction; Lisa Loerzel - Agent. To modify a driveway and install utilities to provide access to the NW1/4NE1/4SW1/4 of Section 31, T1N, R7E.

Lot 5 of Tract 2 (SE1/4NW1/4), Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 17-11 with the following eight (8) conditions:

1. That 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.

Vote: unanimous 7 to 0.

9. **CONSTRUCTION PERMIT / CP 17-12:** Lazy P6 Land Co. Inc. / Orvill Davis. To continue work initiated under Construction Permit 13-05, 14-02, 15-14, and 16-09. The proposed project includes stockpiling of soil for future use on-site. To continue reclamation of hay pasture west of Fifth Street.

South Gate Condos SE1/4; W1/2SW1/4 of Section 24, T1N, R7E; and W1/2SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 17-12 with the following nine (9) conditions:

1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. 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;

3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;
5. That any natural drainage ways and paths be continually maintained;
6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
7. 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;
8. That the applicant sign a Statement of Understanding within ten (10) days of Construction Permit approval, which is available at the Planning Office; and,
9. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.

Vote: unanimous 7 to 0.

11. **MINOR PLAT / PL 17-41:** Koenig Family Trust; Sheila Watkins – Trustee. To reconfigure lot lines to create Lot A of Edelweiss Mountain Development No. 2 in accordance with Section 400.3 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 Development No. 2 Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 17-41 with the following five (5) conditions:

1. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
2. That the existing address be properly posted on existing or future structures in accordance with Pennington County's Ordinance #20;

3. That the Certifications on the plat continue to be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That when the Plat is recorded with the Register of Deeds, the plat continues to meet all other applicable requirements of the Pennington County Subdivision Regulations, other than those waived in Subdivision Regulations Variance / SV 17-10; and,
5. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-41. The SOU is available at the Planning Office.

Vote: unanimous 7 to 0.

12. **MINOR PLAT / PL 17-42:** Carol Marso; D.C. Scott Surveyors – Agent. To create Lots 1, 2, and 3 of Redfern Valley Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2 of SE1/4 of SW1/4 Less Lot 1 of Maewest Subdivision; C A Anderson Tract in SE1/4SW1/4, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Redfern Valley Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 17-42 with the following eleven (11) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1-3 of Redfern Valley Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;
2. That prior to filing the Plat with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment system on proposed Lot 1;
3. That the single-family residence on proposed Lot 1 be assigned an address by the County Addressing Coordinator and the address be posted in accordance with Pennington County's Ordinance #20;
4. 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;

5. That upon filing the Plat with the Register of Deeds, the applicant apply for Conditional Use Permits on proposed Lot 2 for accessory structures prior to a principle structure;
6. 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;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That address be properly posted on the existing residences and any future residence(s) constructed on the proposed lots and at the approaches so they are visible from Mystic Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. 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; and,
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-42, which is available at the Planning Office.

Vote: unanimous 7 to 0.

13. **REZONE / RZ 17-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-09:** Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To rezone 21.39 acres from Limited Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Suburban Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Subdivision Regulations.

Balance of Lot 1 of NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2017, Planning Commission meeting.)

To recommend to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the March 12, 2018, Planning Commission meeting.

Vote: unanimous 7 to 0.

14. **LAYOUT PLAT / PL 17-38:** Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To create Lots A, B, C, and D of Johnson Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2017, Planning Commission meeting.)

To recommend to continue Layout Plat / PL 17-38 to the March 12, 2018, Planning Commission meeting.

Vote: unanimous 7 to 0.

END OF CONSENT CALENDAR

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-39:** Troxel Properties, LLC; Pam Troxel – Agent. To review 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.

Conover asked to have this Item removed from the Consent Calendar to correct a typo in Condition #1 of the Conditions of Approval.

Discussion followed.

Moved by DiSanto and seconded by Marsh to approve of the extension of Conditional Use Permit / CU 16-39 with the following fifteen (15) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people;**

2. That the applicant continue to provide 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 continue to 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 continue to 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 continue to 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 continually operating in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
12. That prior to any disturbance 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 notify the

Planning Department and surrounding landowners within 500 feet via letters sent First Class mail;

- 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; and,**
- 15. That this Conditional Use Permit be reviewed in three (3) years, 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.**

All voting aye, the Motion carried 7 to 0.

- 10. CONSTRUCTION PERMIT / CP 17-13: Western Construction, Inc. To place a portable asphalt batch plant on the subject property, and to level and grade approximately 26 acres with berms and dust control ponds implemented on site.**

S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated Row, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Johnson asked to have this Item removed from the Consent Calendar for discussion.

Staff recommended approval of Construction Permit / CP 17-13 with eleven (11) conditions.

Discussion followed.

Moved by DiSanto and seconded by Marsh to approve of Construction Permit / CP 17-13 with the following eleven (11) 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 an approved Floodplain Development Permit be obtained for work done within the designed Special Flood Hazard Area prior to commencement of any disturbance;
5. 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;
6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
7. That all new development or redevelopment, which causes an increase in impervious area greater than 15%, shall be required to provide storm water treatment of the runoff generated by the first 0.5" of rainfall;
8. That an Approach Permit be obtained from the City of Rapid City for the approach located off of Dyess Avenue;
9. That all load restrictions along Pennington County roads are adhered to at all times;
10. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
11. 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 7 to 0.

15. LAYOUT PLAT / PL 17-43: Kathleen Biron; Renner Associates – Agent. To reconfigure lot lines to create Lot 5 of Reynolds Stage Stop Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All less Lot 3 Reynolds Stage Stop Subdivision and less ROW, Seven Hills Lode MS 2077, Section 31, T2N, R3E, BHM, Pennington County, South Dakota.

All less Lots A and B, less Lot 1-5 of Seven Hills Subdivision, less Reynolds Stage Stop Subdivision and less ROW (also in Sections 30 and 32, T2N, R3E, and Sections 25 and 36, T2N, R2E), Seven Hills Placer MS 1506, Section 31, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5 of Reynolds Stage Stop Subdivision, Section 31, T2N, R3E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot 5 of Reynolds Stage Stop Subdivision, Section 31, T2N, R3E, BHM, Pennington County, South Dakota.

Staff recommended approval of Layout Plat / PL 17-43 with the following thirteen (13) conditions:

1. That prior to submitting a Minor Plat, Operating Permit(s) for the existing Onsite Wastewater Treatment Systems will be needed;
2. That prior to submitting a Minor Plat, the existing Cemetery be brought into compliance or documents provide by the landowner to determine compliance with County and State Regulations;
3. That prior to filing the Plat with the Register of Deeds, a Lot Size Variance or a Rezone and Comprehensive Plan Amendment be obtained for proposed Lot 5 of Reynolds Stage Stop Subdivision;
4. That at the time of new Plat submittal, the applicant provide information regarding the current use of the existing structure labeled as an “Outhouse” on the submitted Structural Exhibit, including any pumping and/or inspection paperwork obtained for the existing on-site wastewater treatment system;
5. 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;
6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 5 of Reynolds Stage Stop Subdivision, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. 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;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;

9. That address be properly posted on the existing residence and any future structures on the proposed lot and at the approaches so they are visible from South Rochford Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
11. 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;
12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-43, which is available at the Planning Office; and,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed

Moved by McCollam and seconded by Litzen to approve of Layout Plat / PL 17-43 with the following thirteen (13) conditions:

- 1. That prior to submitting a Minor Plat, Operating Permit(s) for the existing Onsite Wastewater Treatment Systems will be needed;**
- 2. That prior to submitting a Minor Plat, the existing Cemetery be brought into compliance or documents provide by the landowner to determine compliance with County and State Regulations;**
- 3. That prior to filing the Plat with the Register of Deeds, a Lot Size Variance or a Rezone and Comprehensive Plan Amendment be obtained for proposed Lot 5 of Reynolds Stage Stop Subdivision;**
- 4. That at the time of new Plat submittal, the applicant provide information regarding the current use of the existing structure labeled as an "Outhouse" on the submitted Structural Exhibit, including any pumping and/or inspection paperwork obtained for the existing on-site wastewater treatment system;**
- 5. 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;**

6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 5 of Reynolds Stage Stop Subdivision, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 7. 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;
 8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
 9. That address be properly posted on the existing residence and any future structures on the proposed lot and at the approaches so they are visible from South Rochford Road, in accordance with Pennington County's Ordinance #20;
 10. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
 11. 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;
 12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-43, which is available at the Planning Office; and,
 13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
16. COUNTY BOARD REPORT
 The Board of Commissioners concurred with the Planning Commission's recommendations from their November 13, 2017, Planning Commission meeting, with the exception of:
- Planned Unit Development Review / PU 16-03: Dan and Nancy Evangelisto. This Item was continued in order to be heard at a February 2018 Board of Commissioner's meeting.
17. ITEMS FROM THE PUBLIC
- No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

- A. Holiday Luncheon. Conover spoke of the Planning Department's Holiday Luncheon on Monday, December 4th following the Planning Commission meeting.
- B. Section 204-G "Special Animal Keeping Regulations" Committee. Conover stated this item has been readvertised for volunteers to serve on the committee. Any person can submit a Statement of Interest to the Board of Commissioners by 4:00 p.m. on Wednesday, November 29, 2017. The committee members will be selected by the Board of Commissioners at their December 5, 2017, meeting
- C. December 18th Planning Commission meeting. Conover stated this meeting is scheduled for 2 p.m.
- D. Section 507-B "Mining Permits". Conover stated the proposed Ordinance Amendment will be heard at the December 18, 2017, Planning Commission meeting.
- E. Highway Department Open House. Conover informed the Planning Commission of the County Highway Department's Open House which is scheduled for Wednesday, November 29th from 1 p.m. to 3 p.m.
- F. New Phone System. Conover spoke of the County's new phone system and the IT Department is helping to resolve issues with the new system.
- G. City of Box Elder. Conover informed the Planning Commission of the City of Box Elder's decision to turn over their platting jurisdiction in certain areas to Pennington County.

19. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh spoke of the proposed Draft Mining Ordinance Amendment.

20. ADJOURNMENT

Moved by Johnson and seconded by DiSanto to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:44 a.m.

Travis Lasseter, Chairperson