

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 22, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Bill McCollam, Lori Litzen (Skype), Rich Marsh, Sonny Rivers, and Deb Hadcock.

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

ROLL CALL

1. APPROVAL OF THE JANUARY 8, 2018, MINUTES
Moved by Marsh and seconded by Rivers to approve the Minutes of the January 8, 2018, Planning Commission meeting. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Roll Call Vote: unanimous 7 to 0.

2. APPROVAL OF THE JANUARY 17, 2018, MINUTES
Moved by Johnson and seconded by Rivers to approve the Minutes of the January 17, 2018, Planning Commission meeting. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Roll Call Vote: unanimous 7 to 0.

3. APPROVAL OF AGENDA
Moved by McCollam and seconded by Rivers to approve the Agenda of the January 22, 2018, Planning Commission meeting. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Roll Call Vote: unanimous 7 to 0.

Moved by McCollam and seconded by Marsh to approve the Consent Calendar of the January 22, 2018, Planning Commission meeting, with the removal of Items #11 and #13. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Roll Call Vote: unanimous 7 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda 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 Agenda, 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. **CONSTRUCTION PERMIT REVIEW / CP 16-14:** John and Kaye Duffield. To review placed fill on a sloped area to create a level, buildable area.

Lot 25R, Block 3, Moon Meadow Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 16-14 with the applicant's concurrence.

Vote: unanimous 7 to 0.

5. **CONSTRUCTION PERMIT REVIEW / CP 17-01:** City of Rapid City; Banner Associates – Agent. To review open cut and bore installation of PVC pipe for water main extension for the City of Rapid City, Winton Street north to Southside Drive, east to Redemption Road.

Sections 25 and 26, T1N, R8E, BHM, Pennington County, South Dakota

To end Construction Permit / CP 17-01.

Vote: unanimous 7 to 0.

6. **CONSTRUCTION PERMIT REVIEW / CP 17-02:** Professional Excavation. To review installation of new water and sewer lines from Country Road (west end) to Kyle Street (north end) across existing agriculture land.

Unplatted Balance of N1/2NW1/4NW1/4 Lying Outside Rapid City Corp Boundary, Section 24, T2N, R7E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 17-02 with the applicant's concurrence.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-37:** Peaceful Valley Hideaway, LLC (William and Valerie Landis). 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 C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 15-37, per the applicant's request.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-43:** Stephen and Kristine Gullikson. To review a home occupation to allow for an internet firearm sales and distribution business on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2N1/2S1/2SE1/4SW1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-43 with the following fourteen (14) conditions:

1. **That the proposed Home Occupation continue to be located entirely within the existing single-family residence and that the residential character of the property continually be maintained;**
2. **That one (1) sign be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance;**
3. **That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Federal, State and Local requirements;**
4. **That all necessary Local, State, and Federal licenses and permits be continually maintained and that copies of these licenses and permits be provided to the Planning Director upon request during subsequent Conditional Use Reviews. This includes, but is not limited to a Federal Firearms License;**
5. **That the applicant continually comply with all applicable Local, State, and Federal laws and regulations and there be no break in this coverage. If a break in coverage occurs, CU 16-43 will be placed on a Planning Commission Agenda for review;**
6. **That reasonable measures are continually taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;**
7. **That an address for the subject property continually be posted in accordance with Pennington County's Ordinance #20;**
8. **That if the Primary Home Occupation, operated by the applicant's brother in Parker, South Dakota, is found not to be in compliance or ends, the applicant notify the Planning Director and CU 16-43 will be placed on a Planning Commission Agenda for review;**
9. **That upon sale or transfer of the subject property, CU 16-43 will automatically be revoked;**

10. That the business shall be operated by members of the family residing at the residence to include no more than one (1) additional employee;
11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;
12. That the hours of operation continue to be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
13. That the property remain free of debris and junk vehicles; and,
14. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.

Vote: unanimous 7 to 0.

9. **CONSTRUCTION PERMIT / CP 17-15:** City of Rapid City; Banner Associates – Agent. To install 6-inch, 8-inch, and 12-inch water main to provide Rapid City potable water to the Mesa View Subdivision and Morris Lane.

Section 12, T1N, R8E, and Sections 18 and 19, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 17-15 with the following nine (9) 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 during the period of construction, streets are not blocked and all homes are accessible by emergency vehicles;
7. That a “Utility Installation or Excavation within Public Right-of-Ways Permit” be obtained from the Pennington County Highway Department;
8. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
9. 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.

10. **CONSTRUCTION PERMIT / CP 17-16:** Site Work Specialist, Inc. To develop a resident lot, including grading, utility installation, and road construction on the subject property.

Lot 4A, Hill City Heights, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 17-16 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.

12. **CONDITIONAL USE PERMIT / CU 17-49:** Carol Marso. To allow for two accessory structures prior to a principal structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

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.

To continue Conditional Use Permit / CU 17-49 to the February 12, 2018, Planning Commission meeting.

Vote: unanimous 7 to 0.

14. **CONDITIONAL USE PERMIT / CU 17-48:** Vaco Vacation Rentals/Carson Goodwin; Alvin and Sharon Gullickson - Owner. To allow a Vacation Home Rental on the subject property in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the January 8, 2018, Planning Commission meeting.)

To continue Conditional Use Permit / CU 17-48 to the February 12, 2018, Planning Commission meeting in order for Staff to perform a site visit and obtain additional application materials with the following four (4) conditions:

1. That, if additional continuations of CU 17-48 are necessitated by the applicant, each continuation will be subject to Section 511-X;
2. That either a bedroom is removed or the onsite wastewater treatment system is sized for the number of bedrooms (4) currently in the residence;
3. That if the Local Contact has changed from Carson Goodwin, then the owner or applicant shall provide to the Planning Department the new information and written notice to all property owners within five-hundred (500) feet via First Class Mail; and,
4. That the all fire extinguishers are placed in the Vacation Home Rental at a height of 5’3” to the gauge, as requested by the Fire Administrator.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

11. ORDINANCE AMENDMENT / OA 17-03: Pennington County. To amend Section 312 “Signs, Billboards and Other Advertising Structures” of the Pennington County Zoning Ordinance.

A member of the public asked that this Item be removed from the Consent Agenda for discussion.

Discussion followed.

Conover further stated that staff would also like to include the language “no later than” in the Motion.

Moved by McCollam and seconded by Johnson to continue Ordinance Amendment / OA 17-03 to no later than the April 23, 2018, Planning Commission meeting to allow staff more time to perform additional research.

Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

13. CONDITIONAL USE PERMIT / CU 17-50: Benjamin Shilling. To allow for a gunsmithing business on the subject property in a Limited Agriculture District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Hidden Springs Ranchettes #2, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

Conover asked that this Item be removed from the Consent Agenda to discuss amending language in Condition #1.

Riddering reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a gunsmithing business on the subject property.

Staff recommend approval of Conditional Use Permit / CU 17-50 with the following fourteen (14) conditions and to also amend Condition #1 to include the language “anchored”:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the gunsmithing and service business shall be operated completely within the existing detached shop;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, be conducted entirely indoors;
6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant’s Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from 229th Street in accordance with Pennington County’s Ordinance #20;
8. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
9. That the applicant notifies the Rapid Valley Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file;
10. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;

11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
13. This Conditional Use Permit is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
14. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by Marsh and seconded by Rivers to approve of Conditional Use Permit / CU 17-50 with the following fourteen (14) conditions:

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the gunsmithing and service business shall be operated completely within the existing detached shop;**
- 3. That no business sign be posted on the property;**
- 4. That no on-premise retail sales be allowed;**
- 5. That the home occupation, including all associated storage, be conducted entirely indoors;**
- 6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;**
- 7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from 229th Street in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;**
- 9. That the applicant notifies the Rapid Valley Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file;**

10. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
13. This Conditional Use Permit is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
14. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

15. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-12: Jeremy Cummings. To amend the existing Planned Unit Development to allow a gunsmithing business on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1, Block 3, Prairiefire Subdivision, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the December 18, 2017, Planning Commission meeting.)

Riddering reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to allow a gunsmithing business on the subject property.

Staff is seeking guidance from the Planning Commission with regards to how to proceed with the applicant's request. If the Planning Commission chooses to approve Minor Planned Unit Development Amendment / PU 17-12, staff recommended the following seventeen (17) conditions be included:

1. That the Conditions of Approval of Planned Unit Development / PU 05-06 be continually adhered to;

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 gunsmithing and service business shall be operated completely within the existing attached garage;
4. That no business sign be posted on the property;
5. That no on-premise retail sales be allowed and customers be restricted from pick and/or drop off at the subject property;
6. That the home occupation, including all associated storage, be conducted entirely indoors;
7. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
8. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Zamia Street in accordance with Pennington County's Ordinance #20;
9. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
10. That the residential characteristics of the property be maintained and remains free of junk and debris;
11. That the applicant notifies the Rapid Valley Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file;
12. That measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
13. That the applicant takes measures to prevent the disposal of materials into the on-site wastewater treatment system;
14. That the Minor Planned Unit Development Amendment shall be revoked upon sale or transfer of the subject property;
15. That business operations shall not commence on the subject property until staff have received proof of safe and security features for the subject property;

16. This Minor Planned Unit Development Amendment is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
17. That this Minor Planned Unit Development Amendment be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

Discussion followed.

Moved by Marsh and seconded by McCollam to approve of Minor Planned Unit Development Amendment / PU 17-12 with the following seventeen (17) conditions:

- 1. That the Conditions of Approval of Planned Unit Development / PU 05-06 be continually adhered to;**
- 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 gunsmithing and service business shall be operated completely within the existing attached garage;**
- 4. That no business sign be posted on the property;**
- 5. That no on-premise retail sales be allowed and customers be restricted from pick and/or drop off at the subject property;**
- 6. That the home occupation, including all associated storage, be conducted entirely indoors;**
- 7. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;**
- 8. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Zamia Street in accordance with Pennington County's Ordinance #20;**
- 9. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;**
- 10. That the residential characteristics of the property be maintained and remains free of junk and debris;**

11. That the applicant notifies the Rapid Valley Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file;
12. That measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
13. That the applicant takes measures to prevent the disposal of materials into the on-site wastewater treatment system;
14. That the Minor Planned Unit Development Amendment shall be revoked upon sale or transfer of the subject property;
15. That business operations shall not commence on the subject property until staff have received proof of safe and security features for the subject property;
16. This Minor Planned Unit Development Amendment is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
17. That this Minor Planned Unit Development Amendment be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

16. LAYOUT PLAT / PL 17-49: Eric and Heidi Henriksen. To create Lots 1-10 of Bromegrass Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Gov't Lot 1 less .73 ac Platted into Hook J Subdivision; Gov't Lot 2; SE1/4; SE1/4SW1/4; less ROW; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL Lots 1-10, Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat in order to create Lots 1-10 of Bromegrass Subdivision.

Staff recommended approval of Layout Plat / PL 17-49 with the following nineteen (19) conditions:

1. The prior to the submittal of a Preliminary Plat, the landowner schedule a site-visit with the Planning Director and the Addressing Coordinator to discuss the existing structures on the existing property;
2. That prior to the Final Plat being recorded with the Register of Deeds, either Lot Size Variance(s) or Rezone(s) and Comprehensive Plan Amendment(s) are approved for the proposed lots;
3. That prior to submittal of a Preliminary Plat, the necessary corrections to the proposed Plat, per comments contained in this Staff Report, are made;
4. That at the time of Preliminary Plat submittal, the landowner or agent speak to a representative from West River Electric to determine the easement that will be dedicated on the proposed Plat, at a minimum an eight (8) foot minor drainage and utility easements shall be dedicated on the interior sides of all lot lines, or Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for all the proposed lots to be reviewed and approved by the County Environmental Planner, or a Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Preliminary Plat submittal, the plat application meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or 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(n) of the Pennington County Subdivision Regulations;
8. That at the time of Preliminary Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
9. That the address be properly posted on any future residence(s) constructed on the proposed lots and are posted, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
12. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject properties;

13. 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;
14. That all new construction on the existing and proposed properties be in conformity with FAA Regulations and Section 301 (Airport Height and Hazard Zoning) of the Pennington County Zoning Ordinance;
15. That prior to Final Plat approval, all requirements from 44 CFR 60.3(b) be satisfied;
16. That at the time of a Preliminary Plat submittal, access easement(s) for proposed Lots 9, 10, the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4 be shown on the plat;
17. 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;
18. That Permits that are determined to be required prior to the submittal of a Preliminary Plat, shall be subject to Section 511(W) of the Pennington County Zoning Ordinance;
19. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-29. The SOU is available at the Planning Office; and,
20. 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 Johnson to approve of Layout Plat / PL 17-49 with the following nineteen (19) conditions:

- 1. The prior to the submittal of a Preliminary Plat, the landowner schedule a site-visit with the Planning Director and the Addressing Coordinator to discuss the existing structures on the existing property;**
- 2. That prior to the Final Plat being recorded with the Register of Deeds, either Lot Size Variance(s) or Rezone(s) and Comprehensive Plan Amendment(s) are approved for the proposed lots;**
- 3. That prior to submittal of a Preliminary Plat, the necessary corrections to the proposed Plat, per comments contained in this Staff Report, are made;**

4. That at the time of Preliminary Plat submittal, the landowner or agent speak to a representative from West River Electric to determine the easement that will be dedicated on the proposed Plat, at a minimum an eight (8) foot minor drainage and utility easements shall be dedicated on the interior sides of all lot lines, or Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for all the proposed lots to be reviewed and approved by the County Environmental Planner, or a Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Preliminary Plat submittal, the plat application meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or 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(n) of the Pennington County Subdivision Regulations;
8. That at the time of Preliminary Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
9. That the address be properly posted on any future residence(s) constructed on the proposed lots and are posted, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
11. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject properties;
12. 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;
13. That all new construction on the existing and proposed properties be in conformity with FAA Regulations and Section 301 (Airport Height and Hazard Zoning) of the Pennington County Zoning Ordinance;

14. That prior to Final Plat approval, all requirements from 44 CFR 60.3(b) be satisfied;
15. That at the time of a Preliminary Plat submittal, access easement(s) for proposed Lots 9, 10, the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4 be shown on the plat;
16. 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;
17. That Permits that are determined to be required prior to the submittal of a Preliminary Plat, shall be subject to Section 511(W) of the Pennington County Zoning Ordinance;
18. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-29. The SOU is available at the Planning Office; and,
19. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

17. ORDINANCE AMENDMENT / OA 17-02: Pennington County. To amend Section 103 “Definitions”; Section 205-B-17 “General Agriculture District”; Section 212-B-12 “Heavy Industrial District”; Section 507-B “Mining Permits”; and Section 511 “Fees” and to add Section 320 “Mining Operation” to the Pennington County Zoning Ordinance.

(Continued from the January 17, 2018, Planning Commission meeting.)

Chairman Lasseter stated this Item was continued from the January 17, 2018, Planning Commission meeting.

Discussion followed.

Moved by Lasseter and seconded by Johnson to recess for 10 minutes. Planning Commission recessed at 9:50 a.m. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

Moved by Lasseter and seconded by Hadcock to reconvene. Planning Commission reconvened at 10:00 a.m. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

Discussion further continued.

Moved by Hadcock and seconded by McCollam to recess for 5 minutes. Planning Commission recessed at 12:25 p.m. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

Moved by Lasseter and seconded by Marsh to reconvene. Planning Commission reconvened at 12:30 p.m. Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

Discussion continued.

Moved by Marsh and seconded by Litzen to approve of Ordinance Amendment / OA 17-02.

SUBSTITUTE MOTION: Moved by Marsh and seconded by Litzen to approve of Ordinance Amendment / OA 17-02 and that there needs to be further discussion of the language in Section H-9-b.

Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 18, 2017, and January 8, 2018, Planning Commission meetings.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

A. Comprehensive Plan Update: Conover informed the Planning Commission that the consultant, Matrix, has submitted a Draft Conditions Report and staff is presently reviewing the report. Conover further stated that Matrix will present the report at meetings to be scheduled in March, during week of the 5th or the week of the 19th.

21. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh thanked everyone on the Mining Committee and Planning Staff for their work on the Mining Ordinance. He also stated that he will not be at the March 26th meeting.

Commissioner Hadcock informed the public of the meeting for the RC Collective Impact and its Transformation Center scheduled tonight at 6 p.m. at the Journey Museum.

Commissioners Lasseter and Johnson both stated they will not be at the February 26th meeting.

22. ADJOURNMENT

Moved by Johnson and seconded by Marsh to adjourn.

Roll Call Vote: Marsh – aye, Hadcock – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.

The meeting adjourned at 1:12 p.m.

Travis Lasseter, Chairperson