

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
November 26, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lassetter, Jim Coleman, Rich Marsh, Sonny Rivers, Sandra Runde, and Mark DiSanto.

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 13, 2018, MINUTES
Moved by Marsh and seconded by Runde to approve the Minutes of the November 13, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Marsh to approve the Agenda of the November 26, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

Commissioner Mark DiSanto appeared at the meeting at 9:04 a.m.

Moved by Coleman and seconded by Marsh to approve the Consent Agenda of the November 26, 2018, Planning Commission meeting, with the removal of Item #11. Vote: unanimous 6 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.

3. CONDITIONAL USE PERMIT REVIEW / CU 15-26: Richard Burton. To review an existing accessory structure (a garage) and a new accessory structure (a pole barn) prior to a principle structure 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; N1/2N1/2NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-26 with the following seven (7) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address (13180 Geary Boulevard) continues to be posted at the entrance to the property at all times in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;
4. That the subject property continually remains free of debris and junk vehicles;
5. That the accessory structures continue to be used for personal use only and no commercial-type uses;
6. That an approved On-Site Wastewater Construction Permit be obtained, if a new OSWTS system is installed; and,
7. That this Conditional Use Permit be reviewed in August 2019, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

4. **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 end Conditional Use Permit / CU 16-40, as it is no longer needed.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-27:** Beverly Sears. To review an existing 12' x 12' structure to be used as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208, and 510 of the Pennington County Zoning Ordinance.

Lots 22-23, Block, 8, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the October 22, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 17-27 with the following five (5) conditions:

1. **That Staff verify the installation of the incinerator toilet within 60 days of approval of the extension of this Conditional Use Permit;**
2. **That a lot address be assigned for the property and the applicant post it so it is clearly visible from both directions of travel along Main Street in accordance with Pennington County Ordinance #20;**
3. **That if any plumbing is to be installed in the structures, it be hooked into an approved means of wastewater disposal (i.e. holding tank);**
4. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
5. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-30:** Daniel Johnson, Highmark Properties, LLC. To review a multi-family residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-30 to the January 14, 2019, Planning Commission meeting in order for the applicant to obtain legal access to the subject property from the United States Forest Service.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-33:** Bituminous Paving/Terry Sewell. To review a temporary hot mix asphalt batch plant / stockpile site and contractor's storage area for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of W1/2SE1/4 and that PT of SE1/4SE1/4 located E of Highway 385 less Forest View Subdivision less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 17-33 with the following eleven (11) conditions:

1. **That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;**
2. **That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;**
3. **All access to the worksite be via the existing private approach;**
4. **That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;**
5. **That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;**
6. **That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;**
7. **That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;**
8. **That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;**

9. That the site is stabilized for the winter with either tackifier or straw blankets within fourteen (14) days of approval;
10. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-33; and,
11. That this Conditional Use Permit be reviewed in six (6) months, 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 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-09:** Scott and Christine Grierson. To review a Recreational Vehicle to be used as temporary living quarters on the subject property (Lot 6) while building a single-family residence on Lot 5 in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 6, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-09 with the following eleven (11) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);
2. That a Building Permit application for the proposed single-family residence on Lot 5, Block 3 be submitted within six (6) months of approval of Conditional Use Permit / CU 16-27;
3. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
4. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV, as living quarters, on the subject property;
5. That the RV being used as a temporary residence be connected into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;

6. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
7. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
8. 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;
9. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
11. That this Conditional Use Permit be reviewed in six (6) months, 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 6 to 0.

9. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-09:** Big Horn Canyon Ministries, Inc. / Perry Lewis. To review the existing Planned Unit Development to allow a church/place of worship in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 6 of Tract A, Knights Acres Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Major Planned Unit Development Amendment Review / PU 17-09 with the following twenty-two (22) conditions:

1. That the purpose of this Planned Unit Development continue to be, as requested by the applicant, to allow traditional Christian meetings and events, such as weddings funerals, conferences, youth and children's activities, seminars, Bible teaching and discipleship;
2. That the pond may be used for activities such as kayaking, swimming, skating, fishing, and ice fishing by occupants of the property and their guests;

3. That the pond be lined with a geomembrane/bentonite composite liner and continue to be walled or fenced to prevent uncontrolled access, in accordance with Section 307-F of the Pennington County Zoning Ordinance;
4. That a minimum of 200 parking spaces continue to be provided on the property;
5. That the parking areas be continually maintained in a dust free manner;
6. That the internal driveway be a minimum of 24-foot-wide gravel driving surface, maintained in a dust free manner;
7. That recreational fields/sites for volleyball, soccer, softball, basketball, football, and picnics for fellowship and community outreach be allowed on the property;
8. That the setbacks from property lines be the same as required in a Limited Agriculture District and 58 feet from Section Lines;
9. That structures do not exceed thirty-five feet in height;
10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
11. 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 impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
12. That the applicant ensure the residential character of the property is maintained;
13. That all music being provided for outdoor activities be shut down by 10:00 p.m. and quiet hours be observed from 10:00 p.m. to 7:00 a.m.;
14. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level and shall be inspected and tagged annually;
15. That all primary exits that lead to the exterior of the structure shall be unlocked, free from obstruction and clearly marked;
16. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;

17. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require a Construction Permit;
18. That the physical address for both existing residences and any future addresses that are assigned, continue to be posted in accordance with Pennington County Ordinance #20;
19. That tents be erected only when needed and not on a permanent basis and temporary Building Permits be obtained when necessary;
20. That all exterior lighting be directed away from neighboring property owners, which does not result in excessive glare upon surrounding property;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit; and,
22. That the Planned Unit Development be reviewed in three (3) years, 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 6 to 0.

10. **CONSTRUCTION PERMIT REVIEW / CP 17-16:** Site Work Specialists, Inc. To review the development of a residential 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 end Construction Permit / CP 17-16 with the applicant's concurrence.

Vote: unanimous 6 to 0.

12. **CONDITIONAL USE PERMIT / CU 18-42:** Keith and Sandra Lockner. To allow for a Home Occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 11, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2018, Planning Commission meeting.)

To approve of Conditional Use Permit / CU 18-42 with the following fourteen (14) conditions:

1. That an approved Building Permit be obtained for the new garage 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;
2. That before a Building Permit can be applied for, the applicant obtain approval from SD DENR, Pennington County, and the EPA, to hook up a hair salon to the existing OSWTS; and, if a new system or alterations to the current system is required, all rules of Pennington County Zoning Ordinance Section 204-(J) be met and the system be approved by DENR, Pennington County, and the EPA, if necessary;
3. That hours of operation be from 8:00 a.m. to 5:00 p.m. Monday through Friday;
4. That no additional employees be allowed beyond the applicant, Sandra Lockner;
5. That no more than 8 clients are allowed each day;
6. That no off-premise signs be allowed;
7. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;
8. That there be a minimum of two (2) off street parking spaces available at all times;
9. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
10. That the property remain free of debris and junk vehicles;
11. That the address (6830 Green Drive) be continually posted on the residence so that it is visible from Green Drive, in accordance with Pennington County's Ordinance #20;
12. That if any sale or transfer of the subject property from the current owner(s) of record occur, that this CUP for a home occupation automatically end;

13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-42, which is available at the Planning Office; and,
14. That Conditional Use Permit / CU 18-42 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 6 to 0.

END OF CONSENT AGENDA

11. CONDITIONAL USE PERMIT / CU 18-41: Andrew Foley. To allow a single-wide mobile home to be used as a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract B, 155th Avenue Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2018, Planning Commission meeting.)

Commissioner Runde asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit / CU 18-41 with nine (9) conditions.

Discussion followed.

Moved by DiSanto and seconded by Marsh to approve of Conditional Use Permit / CU 18-41 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 and prior to a Building Permit for the proposed garage;
2. That the single-wide mobile home be assigned an address, which must be posted in accordance with Pennington County Ordinance #20;

3. That any work proposed within the Special Flood Hazard Area be approved, at a minimum, by way of a Floodplain Development Permit prior to any work being done;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
5. That the subject property remains free of debris and junk vehicles;
6. That the single-wide mobile home installed on the property be in compliance with Pennington County Zoning Ordinance § 304;
7. 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;
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 18-41; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

13. CONSTRUCTION PERMIT / CP 18-12: Brad Nible. To excavate and level a hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Lot 2A, Block 6, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2018, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to excavate and level a hillside for a future residence.

Staff recommended approval of Construction Permit / CP 18-12 with the following twelve (12) conditions:

- 1 That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);

- 2 That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
- 3 That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
- 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 all natural drainage ways and paths be continually maintained;
- 6 That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. 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;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
11. That the applicant sign a Statement of Understanding prior to the Stop Work Order being lifted; and,
12. That this Construction Permit be reviewed at the December 03, 2018, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

Discussion followed.

Moved by DiSanto and seconded by Runde to approve of Construction Permit / CP 18-12 with the following twelve (12) conditions:

- 1 That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
- 2 That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
- 3 That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
- 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 all natural drainage ways and paths be continually maintained;
- 6 That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. 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;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
11. That the applicant sign a Statement of Understanding prior to the Stop Work Order being lifted; and,

- 12. That this Construction Permit be reviewed at the December 03, 2018, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.**

All voting aye, the Motion carried 6 to 0.

14. MINOR PLAT / PL 18-38 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-09: Borglum Historical Center, Inc. / Duane Pankratz; Ken Nash – Agent. To create Lot 1 and Lot 2 of Borglum Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT NW1/4SW1/4, and Balance of Lot C of NW1/4SW1/4 all of N of HWY, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 and Lot 2 of Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to create Lot 1 and Lot 2 of Borglum Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 18-09 to waive submittal of the following: (1) Percolations tests and soil profile hole information; and, (2) Engineered road construction plans and road improvements.

Staff recommended approval of Minor Plat / PL 18-38 with the following ten (10) conditions:

1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
2. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to include the “formerly” sentence, per Register of Deeds comments;
3. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That upon filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for the proposed lots, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

6. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That upon filing the Plat with the Register of Deeds, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-38. The SOU is available at the Planning Office; and,
10. That approval of this Minor 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 Rivers to approve of Subdivision Regulations Variance / SV 18-09 to waive submittal of the following: (1) Percolations tests and soil profile hole information; and, (2) Engineered road construction plans and road improvements.

Moved by Coleman and seconded by Marsh to approve of Minor Plat / PL 18-38 with the following ten (10) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to include the "formerly" sentence, per Register of Deeds comments;**
- 3. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That upon filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for the proposed lots, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**

5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That upon filing the Plat with the Register of Deeds, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-38. The SOU is available at the Planning Office; and,
10. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 13, 2018, Planning Commission meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. Holiday Luncheon - Monday, December 3rd. Conover spoke of the Planning Department's Holiday Luncheon on Monday, December 3rd following the Planning Commission meeting.
- B. Board of Commissioner's Special Meeting (1-16-19 and/or 1-17-19). Conover stated the Board of Commissioners have scheduled a Special Meeting to hear Croell, Inc.'s applications for Mining and Construction Permits on January 16, 2019, at 9:00 a.m. If necessary, the hearing may be continued for further public comment and vote to January 17, 2019 at 9:00 a.m. The tentatively scheduled January 17th meeting will be held *only* in the event the Board of Commissioners does not make a decision on the application(s) at the January 16th meeting. Citizens wishing to be heard on the application(s) should attend the January 16th meeting.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh stated he will not be at the December 3rd meeting.

19. ADJOURNMENT

Moved by Marsh and seconded by Runde to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:30 a.m.

Travis Lasseter, Chairperson