

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**December 3, 2018 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Jim Coleman, Sonny Rivers, Sandra Runde, and Ron Buskerud.

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 26, 2018, MINUTES  
**Moved by Rivers and seconded by Coleman to approve the Minutes of the November 26, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Johnson and seconded by Runde to approve the Agenda of the December 3, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Coleman and seconded by Marsh to approve the Consent Agenda of the December 3, 2018, Planning Commission meeting, with the removal of Items #3 and #12. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-41:** Pluemjit Aaron (Little). To allow an existing structure (restaurant) to be used as a single-family residence on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot J, Weaver Townsite, Section 8, T2N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-41 with the following eight (8) conditions:**

1. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area on the subject property;
2. That the existing single-wide mobile home be allowed to remain on the subject property, provided that it is strictly utilized for storage purposes only and is not utilized as living quarters. The existing single-wide mobile home shall not be replaced or utilized as living quarters, unless a separate Conditional Use Permit is obtained for such use;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a General Commercial District be continually maintained on the property, or the appropriate Variance(s) be obtained;
5. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
6. That the assigned address (370 225<sup>th</sup> Street) be posted on the residence and so that it is visible from 225<sup>th</sup> Street, in accordance to Pennington County's Ordinance #20;
7. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-42, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-42:** Kyle and Kristina Volmer. To live in a Recreational Vehicle while building 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.

SE1/4 of GL4, Section 7, T1N, R13E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-42 with the following fourteen (14) conditions:**

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized, only by the landowners, as living quarters on the subject property during construction of the single-family residence;**
- 2. That the address for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from 231<sup>st</sup> St, in accordance with Pennington County's Ordinance #20;**
- 3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;**
- 4. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;**
- 5. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries the Special Flood Hazard Area located on the subject property;**
- 6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;**
- 7. That a private access easement to cross the neighboring property (GL 1-2; W1/2 of GL 3; W1/2 of GL 4) to complete the access to the subject property be filed with the Register of Deeds prior to application of a Building Permit for the proposed single-family residence;**
- 8. That a Building Permit Application must be submitted to the Planning Office Prior to September 1, 2019, to allow the applicants time to establish a use and construct a SFR;**
- 9. 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;**
- 10. That upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;**
- 11. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;**

12. That the Conditional Use Permit will automatically expire on December 18, 2019, if the use of CU 17-42 has not been established or progress on a SFR has not been made, per Section 510-(E);
13. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-42, which is available at the Planning Office; and,
14. That this Conditional Use Permit be reviewed in October 2019, 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.**

6. **CONDITIONAL USE PERMIT / CU 18-38:** Daniel Johnson, Highmark Properties, LLC. To allow the multi-family dwelling with separate units, Unit 1 and Unit 2, to be used as a Specialty Resort / Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, 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.

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

**To continue Conditional Use Permit / CU 18-38 to no later than the March 25, 2019, Planning Commission meeting, with the following one (1) condition:**

1. That the applicant pay a \$100.00 continuation fee as required in Section 511(X) if additional continuation(s) are required.

**Vote: unanimous 6 to 0.**

7. **CONSTRUCTION PERMIT REVIEW / CP 17-14:** Cody Schad. To review the construction of a road constructed outside of the Section Line Right-of-Way and to satisfy a Condition of Approval for CS16-02.

E1/2SW1/4NW1/4 LESS ROW; W1/2SW1/4 NW1/4 and Lot 28, Copper Oaks #1, all located in Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

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

**To approve of the extension of Construction Permit / CP 17-14 with the following six (6) 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, be implemented immediately after the work is completed in the area, but in no case later than 14 days after Construction Activity has stopped. All erosion control methods (e.g. 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); and,
6. That this Construction Permit expires six (6) months 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 6 to 0.**

8. **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 26, 2018, Planning Commission meeting.)

**To approve of the extension of Construction Permit / CP 18-12 with the following eleven (11) 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 or designee 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); and,
11. That this Construction Permit be reviewed at the February 11, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

**Vote: unanimous 6 to 0.**

9. **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, 2018, Planning Commission meeting.)

**To recommend to continue Layout Plat / PL 17-38 to the January 14, 2019, Planning Commission meeting with the following one (1) condition:**

- 1. That the applicant pay a \$100.00 continuation fee as required in Section 511(X) if additional continuation(s) are required.**

**Vote: unanimous 6 to 0.**

- 10. 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, 2018, Planning Commission meeting.)

**To recommend to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the January 14, 2019, Planning Commission meeting with the following one (1) condition:**

- 1. That the applicant pay a \$100.00 continuation fee as required in Section 511(X) if additional continuation(s) are required.**

**Vote: unanimous 6 to 0.**

- 11. MINOR PLAT / PL 18-41: Larry and Lenora Ruland. To create Tract 1 of Ruland Ranch Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.**

EXISTING LEGAL: SE1/4SW1/4; S1/2NE1/4 SW1/4 and W1/2SE1/4, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of Ruland Ranch Addition, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 18-41 with the following eight (8) conditions:

1. That prior to the Plat being recorded with the Register of Deeds, a minimum eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That prior to the Plat being recorded with the Register of Deeds, the plat continues meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That prior to the Plat being recorded with the Register of Deeds, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of § 500.4 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. The Landowner is responsible for bringing into compliance any property affected by the creation of Tract 1 of Ruland Ranch Addition;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and
8. That the Landowners sign the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-41. The SOU is available at the Planning Office.

**Vote: unanimous 6 to 0.**

13. **MINOR PLAT / PL 18-27 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-08:** Paul and Carol Niemann. To combine two lots in order to create Niemann Trust Land Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.



EXISTING LEGAL: Lot O of SE1/4SE1/4; Lot A of SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Niemann Trust Land Tract, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

**To recommend to continue Subdivision Regulations Variance / SV 18-08 and Minor Plat / PL 18-27 to the December 17, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

14. **REZONE / PL 18-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-07:** Paul and Carol Niemann. To rezone 17.4 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

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

**To recommend to continue Rezone / RZ 18-07 and Comprehensive Plan Amendment / CA 18-07 to the December 17, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

#### **END OF CONSENT AGENDA**

3. **CONDITIONAL USE PERMIT REVIEW / CU 16-41:** Robert and Glenda Frank. To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 16-41 with thirteen (13) conditions.

Discussion followed.

**Moved by Rivers and seconded by Runde to approve of the extension of Conditional Use Permit / CU 16-41 with the following thirteen (13) conditions:**

- 1. That no more than one (1) Recreational Vehicle (RV) be allowed to be utilized as living quarters on the subject property during construction of the 32' x 40' garage with living quarters;**
- 2. That the address (24424 Milo Lane) continue to be posted near the RV during the construction of the 32' x 40' garage with living quarters and on the living quarters once it is completed so that it is visible from Milo Lane in accordance with Pennington County's Ordinance #20;**
- 3. That the RV being used as a temporary residence be hooked into the On-Site Wastewater Treatment system until 32' x 40' garage with living quarters is habitable;**
- 4. That upon completion of the 32' x 40' garage with living quarters on the subject property or expiration of COBP16-0391, on March 12, 2019, whichever comes first, the RV will either be removed from the subject property or may only be allowed to be stored on the property, must be disconnected from all utilities, and may no longer be utilized as living quarters on the subject property;**
- 5. That should the applicant wish to build a single-family residence, the mound system will need to be expanded and the garage with living quarters will need to be converted storage space, a studio, or an additional Conditional Use Permit must be obtained to allow for the second residence;**
- 6. That the applicant notifies the Planning Department when the 32' x 40' garage with living quarters is habitable, so that this Conditional Use Permit may be ended;**
- 7. That prior to the applicants applying for a Building Permit for a single-family residence on the subject property in the future, the living quarters in the 32' x 40' garage be removed or the necessary permits obtained, and the applicants notify the Planning Department of such;**
- 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 the minimum setback requirements of a Low Density Residential District and Section Line be maintained on the subject property, or a Setback Variance be obtained;
10. That the subject property remains free of debris and junk vehicles;
11. That at least two (2) off-street parking spaces be provided on the subject property, in accordance with the Pennington County Zoning Ordinance Section 310;
12. That the applicants contact and adhere to the County Fire Administrator for information on fire mitigation, fire sprinklers, and the use of non-combustible building materials; and,
13. That this Conditional Use Permit be reviewed in March 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.

**All voting aye, the Motion carried 6 to 0.**

12. MINOR PLAT / PL 18-42 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-11: Gerald and Judith Schmidt. To combine two lots in order to create Schmidt Tract and a portion of dedicated ROW of Norris Peak Road and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Bertha Lode and Aurora Lode Patented Mining Claims (also in Section 19 and 20), Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Schmidt Tract and a portion of dedicated ROW of Norris Peak Road, Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda to note that the Agenda for this Item indicates the lot as Lot 1 of Schmidt Subdivision, when it should state Schmidt Tract.

Staff recommended approval of Subdivision Regulations Variance / SV 18-11 and approval of Minor Plat / PL 18-42 with seven (7) conditions.

Discussion followed.

**Moved by Coleman and seconded by Runde to approve of Subdivision Regulations Variance / SV 18-11 to waive submittal of the following: (1) Plat scale of 1" = 300'; (2) Any additional road construction plans and road improvements; and, (3) Percolation tests and soil profile hole information.**

All voting aye, the Motion carried 6 to 0.

Moved by Runde and seconded by Rivers to approve of Minor Plat / PL 18-42 with the following seven (7) conditions:

1. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations.
4. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 500.4 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-42, which is available at the Planning Office.

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAT / PL 18-40: Rhonda Champion. To create Lot 1 Revised of Tract B and Lot A Revised of Lot 1 of Tract B of HES 281 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL Lot 1 Revised of Tract B and Lot A Revised of Lot 1 of Tract B of HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot 1 Revised of Tract B and Lot A Revised of Lot 1 of Tract B of HES 281.

Staff recommended approval of Layout Plat / PL 18-40 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, the required changes are made to the proposed Plat, per comments from the Register of Deeds regarding using a Subdivision name;
2. That prior to filing the Plat with the Register of Deeds, the proposed lots be rezoned appropriately.
3. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
6. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-40, which is available at the Planning Office; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Runde and seconded by Coleman to approve of Layout Plat / PL 18-40 with the following ten (10) conditions:**

- 1. That at the time of Minor Plat submittal, the required changes are made to the proposed Plat, per comments from the Register of Deeds regarding using a Subdivision name;**
- 2. That prior to filing the Plat with the Register of Deeds, the proposed lots be rezoned appropriately.**
- 3. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 6. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
- 7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**
- 9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-40, which is available at the Planning Office; and,**
- 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 6 to 0.**

16. LAYOUT PLAT / PL 18-39 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-10: 7 Wonders / Jessica Hessler; Fisk Land Surveying – Agent. To combine three lots to create Lot 1 Revised of Block 1 of Forest Homes Development and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1 and 2 of Block 1 of Forest Homes Development and Tract No. 0046, Sections 5 and 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 Revised of Block 1 of Forest Homes Development, Sections 5 and 6, T1N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine three lots to create Lot 1 Revised of Block 1 of Forest Homes Development.

Staff recommended approval of Subdivision Regulations Variance / SV 18-10 to waive submittal of the following: (1) Percolation tests and soil profile hole information; (2) Road improvements to Forest Road and W. Highway 44; and, (3) Any improvements to the undeveloped Section Line Right-of-Way.

Staff recommended approval of Layout Plat / PL 18-39 with the following thirteen (13) conditions:

1. That prior to Minor Plat submittal, the formerly portion of the Plat heading be corrected to state, “...(formerly all of Lots 1 and 2 of Block 1 of Forest Homes Development and Tract No. 0046 of Section 6, T1N, R6E)...”, per Register of Deeds comments;
2. That prior to filing the Plat with the Register of Deeds, the proposed lot be rezoned appropriately;
3. That prior to filing the Plat with the Register of Deeds, the applicant obtain an approved Setback Variance for the encroachment of the existing detached garage or the garage meet the minimum setback requirements;
4. That prior to filing the Plat with the Register of Deeds, the applicant obtain approval to vacate the Section Line Right-of-Way for the encroachment of the existing residence;
5. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Minor Plat submittal, the plat meets all the requirements of § 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 § 400.3(1)(n) of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
8. That at the time of a Minor Plat submittal, the plat meets all necessary requirements of § 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
9. That the existing address continue to be properly 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 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;
12. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 18-39. The SOU 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 Coleman and seconded by Rivers to approve of Subdivision Regulations Variance / SV 18-10 to waive submittal of the following: (1) Percolation tests and soil profile hole information; (2) Road improvements to Forest Road and W. Highway 44; and, (3) Any improvements to the undeveloped Section Line Right-of-Way.**

**All voting aye, the Motion carried 6 to 0.**

**Moved by Rivers and seconded by Coleman to approve of Layout Plat / PL 18-39 with the following thirteen (13) conditions:**

1. **That prior to Minor Plat submittal, the formerly portion of the Plat heading be corrected to state, "...(formerly all of Lots 1 and 2 of Block 1 of Forest Homes Development and Tract No. 0046 of Section 6, T1N, R6E)...", per Register of Deeds comments;**



2. That prior to filing the Plat with the Register of Deeds, the proposed lot be rezoned appropriately;
3. That prior to filing the Plat with the Register of Deeds, the applicant obtain an approved Setback Variance for the encroachment of the existing detached garage or the garage meet the minimum setback requirements;
4. That prior to filing the Plat with the Register of Deeds, the applicant obtain approval to vacate the Section Line Right-of-Way for the encroachment of the existing residence;
5. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Minor Plat submittal, the plat meets all the requirements of § 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 § 400.3(1)(n) of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
8. That at the time of a Minor Plat submittal, the plat meets all necessary requirements of § 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
9. That the existing address continue to be properly 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 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;
12. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 18-39. The SOU 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.**

**All voting aye, the Motion carried 6 to 0.**

17. REZONE / RZ 18-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-07: 7 Wonders / Jessica Hessler; Fisk Land Surveying – Agent. To rezone 1.02 acres from Low Density Residential District and General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District and PUD Sensitive to Suburban Residential District in accordance with Sections 205, 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 1 and 2 of Block 1 of Forest Homes Development and Tract No. 0046, Sections 5 and 6, T1N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to rezone 1.02 acres from Low Density Residential District and General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District and PUD Sensitive to Suburban Residential District

Staff recommended approval of Rezone / RZ 18-08 and Comprehensive Plan Amendment / CA 18-07.

Discussion followed.

**Moved by Runde and seconded by Coleman to approve of Rezone / RZ 18-08 and Comprehensive Plan Amendment / CA 18-07.**

**All voting aye, the Motion carried 6 to 0.**

18. COUNTY BOARD REPORT  
The Board of Commissioners concurred with the Planning Commission's recommendations from the November 26, 2018, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for November 2018.  
B. December 17<sup>th</sup> PC Meeting. Conover reminded the Planning Commission that the December 17<sup>th</sup> PC Meeting will start at 2 p.m.

- C. Update - Planner II and Ordinance Enforcement Officer. Conover discussed the upcoming Planner II and Ordinance Enforcement Officer interviews.
- D. Draft Comprehensive Plan. Conover stated the Draft Comprehensive Plan will be heard at the January 28, 2019, PC Meeting.
- E. Staff Reports. Conover spoke of the Staff Report Form staff has been working with and welcomed any comments from the Planning Commission.

21. ITEMS FROM THE MEMBERSHIP

There were not items from the membership.

22. ADJOURNMENT

**Moved by Coleman and seconded by Runde to adjourn.**

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 9:23 a.m.**

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Travis Lasseter, Chairperson