

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

December 17, 2018 @ 2:00 p.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, 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 DECEMBER 3, 2018, MINUTES
Moved by Runde and seconded by Rivers to approve the Minutes of the December 3, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Coleman to approve the Agenda of the December 17, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Rivers and seconded by Buskerud to approve the Consent Agenda of the December 17, 2018, Planning Commission meeting, with the removal of Items #6, #10 and #11. Vote: unanimous 5 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 92-42: Sunnyside Mobile Home Court. To review a mobile home park in a Suburban Residential District in accordance with Sections 208-C-2 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot B less N600.236 feet in W1/2NE1/4; Lot A of Lot 1 of Lot B in W1/2NE1/4; Lot A of Lot 2 of Lot B less N600.236 feet in W1/2NE1/4; Tract 2 of Lot 2 of Lot B in SW1/4NE1/4; SE1/4NE1/4 including the private lane in the SE1/4NE1/4 and NE1/4SE1/4 less Lot A of SE1/4NE1/4 and NE1/4SE1/4 and Less L.

(Continued from the September 24, 2018, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 92-42 to the June 10, 2019, Planning Commission meeting.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-25:** Rushmore Shadows, LLC; Gene Addink – Agent. To review a Recreational Resort with the addition of 45 RV sites to the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

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

To continue the review of Conditional Use Permit / CU 15-25 to the February 11, 2019, Planning Commission meeting.

Vote: unanimous 5 to 0.

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

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

(Continued from the September 24, 2018, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 16-20 to the February 25, 2019, Planning Commission meeting.

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-30:** Hayden Clark. 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.

NW1/4, S1/2 less ROW, Section 20, T2N, R17E, BHM, Pennington County, South Dakota.

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

To continue the review of Conditional Use Permit / CU 18-30 to no later than the April 22, 2019, Planning Commission meeting, per the applicant's request.

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT / CU 18-43:** Border States Paving; Jason Wettels – Agent. To allow for a temporary asphalt batch plant and contractor’s storage area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-43 with the following fourteen (14) 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 an approved temporary 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 any structure that remains after this Conditional Use Permit ends, will require a permanent Building Permit.**
4. **That a temporary address will be assigned to the Contractor’s Storage Area 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;**
5. **That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;**
6. **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;**
7. **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;**
8. **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 fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free.**
9. **That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);**
10. **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;**

11. 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;
12. 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;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-43 at the Planning Office; and,
14. 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 5 to 0.

9. **CONDITIONAL USE PERMIT / CU 18-44:** Edward McMahon. To allow for a Ranch Hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4 less Lot H1 and Lot H2; NW1/4; NE1/4SW1/4; S1/2SW1/4; NW1/4SE1/4 less Lot H1 and Lot H2, Section 17, T1S, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-44 with the following ten (10) conditions:

1. That the addresses for both the existing house and ranch hand's residence be posted, in accordance with Pennington County's Ordinance #20;
2. That a Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area;
3. 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;
4. That the applicant sign a "Ranch Hand's Statement" verifying that he is directly engaged in the operation of the farm or ranch located on the property;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That the subject property remains free of debris and junk vehicles;

7. That an On-Site Wastewater Construction Permit be obtained or if already existing, the OSWTS be verified and sized correctly for the Ranch Hand's Residence within sixty (60) days of Conditional Use Permit approval.
8. That the residence be occupied by a Ranch Hand or used as housing for daily help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
9. That the applicant sign the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-44, which is available at the Planning Office; and,
10. 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 5 to 0.

12. **MINOR PLAT / PL 18-43:** Robert Raue; Renner Associates – Agent. To create Lot 3 of Jones Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4 less 9.93 acres in SE1/4 and less Jones Ranch Subdivision, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3, Jones Ranch Subdivision, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 18-43 with the following seven (7) conditions:

1. That prior to filing the Plat with the Register of Deeds, the applicant submit documentation stating that power will be constructed with underground construction or a 25-foot utility easement will be required on all lot lines, per West River Electric comments;
2. 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;
3. 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;
4. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;

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 18-43, which is available at the Planning Office.

Vote: unanimous 5 to 0.

13. **MINOR PLAT / PL 18-44:** Jon and Barbara Wilson; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Castle Creek Estates in accordance with Sections 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (AKA Tracts A and B of HES 520) And That Portion of E1/2 located between Tracts A and B of HES 520, HES 520, Section 35, T1N, R2E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 and Lot 2, Castle Creek Estates, Section 35, T1N, R2E, BHM, Pennington County, South Dakota.

To recommend approval Minor Plat / PL 18-44 with the following eight (8) conditions:

1. That upon filing the Plat with the Register of Deeds, a minimum of an 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 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;
3. 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;
4. That upon filing the Plat with the Register of Deeds, the plat continues to meet all necessary requirements of § 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;

5. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
6. 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;
7. 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,
8. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Minor Plat / PL 18-44. The SOU is available at the Planning Office.

Vote: unanimous 5 to 0.

14. **MINOR PLAT / PL 18-47 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-14:** Bret and Linda Hilgemann. To create Lots A and B of Nautilus Acres Subdivision #2 and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Parcel C less Lots H1 and H2 and less 40-foot-wide dedicated right-of-way, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A and Lot B, Nautilus Acres Subdivision #2, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Subdivision Regulations Variance / SV 18-14 and Minor Plat / PL 18-47 to no later than the April 22, 2019, Planning Commission meeting.

Vote: unanimous 5 to 0.

15. **MINOR PLAT / PL 18-48 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-13:** TDG Real Estate; Michael Gennaro – Agent. To create Hermosa Tract and Glendale Tract in accordance with § 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (also in Sec. 14) of Hermosa Lode MS 1111 and All (in Sec. 14) of Glendale #3 Lode MS 1111, Sections 14 and 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Hermosa Tract and Glendale Tract of Hermosa Lode and Glendale No. 3 Lode of MS 1111, Sections 14 and 23, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 18-13 to waive submittal of the following: (1.) Section Line and road improvements; (2.) Topography at 5-foot contour intervals; and, (3.) Percolation tests and soil profile

hole information; and, approval of Minor Plat / PL 18-48 with the following twelve (12) conditions:

1. That prior to filing the Plat with the Register of Deeds, the Plat heading and be corrected in accordance with Register of Deeds comments provided in this Staff Report;
2. That prior to filing the Plat with the Register of Deeds, the Register of Deeds Certificate be corrected to replace the “Book and Page” sentence with “Document # _____”;
3. That prior to filing the Plat with the Register of Deeds, the 40’ Access Easement be notated with regard to if it already exists (including the appropriate book and page numbers or document number) or is being created by this Plat;
4. That prior to filing the Plat with the Register of Deeds, the 40’ Access Easement be re-aligned (moved), per U.S. Forest Service comments provided in this Staff Report. The Easement will need be moved, at a minimum, of 45’ the posted boundary between private property and the National Forest System Lands;
5. That prior to filing the Plat with the Register of Deeds, the notation on the Plat indicating “DRIVEWAY TO HERMOSA TRACT” be removed per County Highway Department comments provided in this Staff Report, as an Approach Permit for access at that location has not been approved by the County Highway Department;
6. That prior to filing the Plat with the Register of Deeds, L9, L10, C8 and C9 in the line and curve data tables for the access easement be deleted per County Highway Department comments provided in this Staff Report, since they are not shown on the plat;
7. 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;
8. 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;
9. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
10. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

11. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-48 and Subdivision Regulations Variance / SV 18-13, which is available at the Planning Office.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

6. CONDITIONAL USE PERMIT REVIEW / CU 17-22: Pamela Phillips. To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

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

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

Staff recommended to continue the review of Conditional Use Permit / CU 17-22 to no later than the February 25, 2019, Planning Commission meeting.

Discussion followed.

Moved by Runde and seconded by Rivers to continue the review of Conditional Use Permit / CU 17-22 to no later than the February 25, 2019, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

10. CONDITIONAL USE PERMIT / CU 18-45: Lynn Schell; Renner Associates – Agent. To allow for a community cemetery in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4 less 9.93 acres in Se1/4 and less Jones Ranch, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 18-45 with five (5) conditions.

Discussion followed.

Moved by Buskerud and seconded by Runde to approve of Conditional Use Permit / CU 18-45 with the following five (5) conditions:

- 1. That the cemetery continually conforms to all regulations outlined in § 307 of the Pennington County Zoning Ordinance;**
- 2. That the cemetery and the applicant continually complies with South Dakota Codified Law (SDCL) § 34-27, which regulates Cemeteries and Burial Records;**
- 3. That the applicant obtain an approved Approach Permit from the County Highway Department for access to the cemetery;**
- 4. That if an address is assigned for the cemetery, it be posted in accordance with Pennington County Ordinance #20; 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 or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

11. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-04: Kelly Development / Ryan Kelly. To review the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 3-6, Block 4, Sheridan Lake Highlands, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

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

Staff had originally recommended to continue the review of Major Planned Unit Development Amendment / PU 17-04 to the January 14, 2019, Planning Commission meeting with two (2) conditions, but are now recommending to continue the review of Major Planned Unit Development Amendment / PU 17-04 to the January 14, 2019, Planning Commission meeting with no conditions.

Discussion followed.

Moved by Coleman and seconded by Rivers to continue the review of Major Planned Unit Development Amendment / PU 17-04 to the January 14, 2019, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

16. LAYOUT PLAT / PL 18-45: Edward Hix; Faith Lewis – Agent. To create Hix Tract in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT of HES #572 – Tracts A and B, HES #572, Section 1, T1S, R2E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Hix Tract, Section 1, T1S, R2E, BHM, Pennington County, South Dakota.

Prioetti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Hix Tract.

Staff recommended approval of Layout Plat / PL 18-45 with the following ten (10) conditions:

1. 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;
2. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lot for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
4. That prior to the Plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately.
5. 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;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That at a minimum an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;

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 approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-45, which is available at the Planning Office.

Discussion followed.

Moved by Coleman and seconded by Rivers to approve of Layout Plat / PL 18-45 with the following ten (10) conditions:

- 1. 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;**
- 2. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lot for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 4. That prior to the Plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately.**
- 5. 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;**
- 6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 7. That at a minimum an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;**
- 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 approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property; and,**
10. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-45, which is available at the Planning Office.**

All voting aye, the Motion carried 5 to 0.

17. LAYOUT PLAT / PL 18-46 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-12: Sam Fischer / Fischer Development; Fisk Land Surveying – Agent. To combine two lots to create Lot 1 of RTHV Subdivision and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Ridge Top Lodge MS 2072 and All of Highview Lode MS 2072, all located in Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of RTHV Subdivision, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine two lots to create Lot 1 of RTHV Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 18-12 to waive submittal of the following: (1) Percolation tests and soil profile hole information; (2) Topographic map at 5-foot contour intervals; (3) Plat at 1" = 100' scale; (4) Road improvements and design standards; (5) Length of dead end road; and, (6) Intermediate turnarounds; and, approval of Layout Plat / PL 18-46 with the following eight (8) conditions:

1. 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;
2. 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;
3. 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;
4. 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;

5. 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;
6. 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;
7. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 18-46. The SOU is available at the Planning Office; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Buskerud and seconded by Runde to approve of Subdivision Regulations Variance / SV 18-12 to waive submittal of the following: (1.) Percolation tests and soil profile hole information; (2.) Topographic map at 5-foot contour intervals; (3.) Plat at 1" = 100' scale; (4.) Road improvements and design standards; (5.) Length of dead end road; and, (6.) Intermediate turnarounds.

All voting aye, the Motion carried 5 to 0

Moved by Rivers and seconded by Coleman to approve of Layout Plat / PL 18-46 with the following eight (8) conditions:

1. **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;**
2. **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;**
3. **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;**
4. **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;**

5. **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;**
6. **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;**
7. **That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 18-46. The SOU is available at the Planning Office; and,**
8. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 5 to 0.

18. MINOR PLAT / PL 18-37 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.

(Continued from the December 3, 2018, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Niemann Trust Land Tract and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 18-08 to waive submittal of the following: (1.) Engineered road construction plans and road improvements; (2.) Submittal of topography map; and (3.) Percolation test and profile hole information; and, approval of Minor Plat / PL 18-37 with the following nine (9) conditions:

1. That prior to filing the Plat with the Register of Deeds, the proposed lot obtain an approved Lot Size Variance or be Rezoned appropriately;
2. That prior to 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;
3. That prior to filing the Plat with the Register of Deeds, the plat continues to meet 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;

4. That the Certifications on the plat continue to 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;
5. That prior to filing the Plat with the Register of Deeds, the plat continues to meet 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;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
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;
8. That prior to filing the Plat with the Register of Deeds, percolation test and soil profile information is provided for proposed Niemann Trust Land Tract, or an approved Subdivision Regulations Variance be obtained waiving this requirement; and
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-37, which is available at the Planning Office.

Discussion followed.

Moved by Rivers and seconded by Runde to approve of Subdivision Regulations Variance / SV 18-08 to waive submittal of the following: (1.) Engineered road construction plans and road improvements; (2.) Submittal of topography map; and (3.) Percolation test and profile hole information.

All voting aye, the Motion carried 5 to 0.

Moved by Runde and seconded by Rivers to approve of Minor Plat / PL 18-37 with the following nine (9) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the proposed lot obtain an approved Lot Size Variance or be Rezoned appropriately;**
- 2. That prior to 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;**

3. That prior to filing the Plat with the Register of Deeds, the plat continues to meet 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;
4. That the Certifications on the plat continue to 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;
5. That prior to filing the Plat with the Register of Deeds, the plat continues to meet 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;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
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;
8. That prior to filing the Plat with the Register of Deeds, percolation test and soil profile information is provided for proposed Niemann Trust Land Tract, or an approved Subdivision Regulations Variance be obtained waiving this requirement; and
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-37, which is available at the Planning Office.

All voting aye, the Motion carried 5 to 0.

19. REZONE / PL 18-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-06: Paul and Carol Niemann. To rezone 16.70 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.

(Continued from the December 3, 2018, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 16.70 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.

Staff recommended approval of Rezone / RZ 18-07 and denial of Comprehensive Plan Amendment / CA 18-06.

Discussion followed.

Moved by Rivers and seconded by Coleman to approve of Rezone / RZ 18-07.

All voting aye, the Motion carried 5 to 0.

Moved by Rivers and seconded by Coleman to deny Comprehensive Plan Amendment / CA 18-06.

All voting aye, the Motion carried 5 to 0.

20. REZONE / RZ 18-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-08:
Pat Hall; Brian Hammerbeck – Agent. To rezone 69.62 acres from General Commercial District and General Agriculture District to General Commercial District and to rezone 560 acres from General Commercial District, General Agriculture District and Low Density Residential District to Heavy Industrial District and to amend the Comprehensive Plan to change the Future Land Use from General Commercial District, Limited Agriculture District, and Low Density Residential District to General Commercial District and Heavy Industrial District in accordance with Sections 205, 206, 207, 209, 212, and 508 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4NE1/4; E1/2 of Lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4; Lot 1 of SW1/4NE1/4; NE1/4NE1/4; SE1/4NE1/4; NE1/4SE1/4; SE1/4SE1/4; W1/2; NW1/4SE1/4; and SW1/4SE1/4, Sections 32 and 33, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 69.62 acres from General Commercial District and General Agriculture District to General Commercial District and to rezone 560 acres from General Commercial District, General Agriculture District and Low Density Residential District to Heavy Industrial District and to amend the Comprehensive Plan to change the Future Land Use from General Commercial District, Limited Agriculture District, and Low Density Residential District to General Commercial District and Heavy Industrial District.

Staff is seeking guidance from the Planning Commission on how to move forward with Rezone / RZ 18-09 and Comprehensive Plan Amendment / CA 18-08.

Discussion followed.

Moved by Buskerud and seconded by Coleman to approve Rezone / RZ 18-09 and Comprehensive Plan Amendment / CA 18-08.

All voting aye, the Motion carried 5 to 0.

21. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the December 3, 2018, Planning Commission meeting at their Tuesday, December 18th Board meeting.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

- A. Update - Planner II and Ordinance Enforcement Officer. Conover stated the new Ordinance Officer will start on January 2, 2019, and the new Planner II will start on February 18, 2019.
- B. Comprehensive Plan – 01-28-19 PC Meeting. Conover reminded the Planning Commission that the Draft Comprehensive Plan will be heard at the January 28, 2019, Planning Commission meeting.
- C. Staff Report Format / Content. Conover spoke of the Staff Report Format / Consent staff has been working with and discussed comments from the Planning Commission.

24. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

Commissioner Buskerud left the meeting at 3:44 p.m.

25. ADJOURNMENT

Moved by Runde and seconded by Rivers to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 3:46 p.m.

Travis Lasseter, Chairperson