

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 14, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sonny Rivers, Travis Lasseter, Kathy Johnson, Sandra Runde, and Gary Drewes.

STAFF PRESENT: Cassie Bolstad, Brittney Molitor, PJ Conover, Kristina Proietti, Cody Sack, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 23, 2019, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the September 23, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Drewes and seconded by Johnson to approve the Agenda of the October 14, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Drewes and seconded by Lasseter to approve the Consent Agenda of the October 14, 2019, Planning Commission meeting, with the removal of Items #6 and #9. 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 12-21: Ken and Cory Tomovick. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 12-21 with the following nine (9) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);

2. That a minimum of three (3) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty-two square feet, not less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address (23639 Strato Bowl Road) continue to be properly posted on both the residence and at the approach so it is visible from both directions of Strato Bowl Road in accordance with Pennington County's Ordinance #20;
4. That if the person designated as the Local Contact is ever changed Ken and Cory Tomovick, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
5. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
6. That the applicants maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
7. That applicants continually comply with the Performance Standards outlined in § 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
8. That each review of Conditional Use Permit / CU 16-21, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
9. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 13-22:** Dudley and Ila LaPointe. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 25, Block 7, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 13-22 with the following seven (7) conditions:

1. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or the appropriate Setback Variance be obtained;
2. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
3. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
4. That the property continues to be kept free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
5. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
6. That the mobile home has a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
7. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-37:** Ken and Nancy Denke. To review the use of a camper as temporary living quarters, not to exceed 180 days a year, on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Hidden Treasure Lode MS 607, Section 26, T1N, R4E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-37 to the November 25, 2019, Planning Commission meeting to allow the applicants time to contact Staff and to address outstanding issues with the following one (1) condition:

1. That if additional continuations are required beyond November 25, 2019, due to lack of action by the applicants, the applicants shall pay a \$100 fee for each continuation, in accordance with § 511(X) and the County may pursue legal remedies and/or revoke the Conditional Use Permit, per § 511(G).

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-35:** Lorrie Behl. To review a single-wide mobile home to be used as a 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 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-35 with the following six (6) conditions:

1. **That the address continues to be posted in accordance with Pennington County Ordinance #20;**
2. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
3. **That the subject property remains free of debris and junk vehicles;**
4. **That any single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
5. **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; and,**
6. **That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-36:** Shadrach and Holly Howie. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-36 with the following ten (10) conditions:

1. **That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in**

accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);

2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved in accordance with the Pennington County Zoning Ordinance;
7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Antelope Creek Road, in accordance with Pennington County Ordinance #20;
8. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318 and 502 or a Variance(s) be approved to waive any requirements;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
10. 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.

Vote: unanimous 5 to 0.

10. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-05:** Tanner Colburn. To review the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

(Continued from the September 9, 2019, Planning Commission meeting.)

To continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the November 12, 2019, Planning Commission meeting with the following three (3) conditions:

1. That the applicant work with the utility company to relocate the enclosed electric meter to the outside of the structure or reconstruct the rear of the garage to be an open patio no later than November 5, 2019;
2. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet from all property lines, with the exception of the parameters of the garage shown on COBP17-0090; and,
3. That if additional continuations are required beyond November 12, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with §511(X).

Vote: unanimous 5 to 0.

11. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-06:** Catherine Sopinski; Rob Livingston – Agent. To review an existing Planned Unit Development to allow the single-family residence to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 18-06 with the following fourteen (14) conditions:

1. That this Major Planned Unit Development Amendment allow for a three (3) bedroom Vacation Home Rental within the existing residence located on Lot 1, Block 1 of The Reserve at Remington Ranch;
2. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;

5. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of three (3) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-4131 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
8. That the lot address (23801 Placer Place) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Rob Livingston, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s);
13. 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,
14. That this Major Planned Unit Development 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 5 to 0.

END OF CONSENT AGENDA

6. CONDITIONAL USE PERMIT REVIEW / CU 17-44: Gregory Yates. To review the transfer of an existing Conditional Use Permit to allow for an existing residence to continue to be used as a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the transfer of Conditional Use Permit / CU 17-44 with fifteen (15) conditions.

Discussion followed.

Moved by Lasseter and seconded by Drewes to approve of the transfer of Conditional Use Permit / CU 17-44 with the following fifteen (15) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319(F)(13);**
- 2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department each year the Vacation Home Rental is in operation;**
- 5. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 6. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**

7. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (23826 Highway 385) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental continues to be operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from LeeAnn McDonald, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by requirement §319(F)(5);
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. 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;
13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319(C)(b); and,
15. 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.

9. CONDITIONAL USE PERMIT / CU 19-25: Houwman Properties, LLC / Chadwick Houwman. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Starwood Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Conditional Use Permit / CU 19-25 with one (1) condition.

Discussion followed.

Moved by Johnson and seconded by Lasseter to continue the hearing of the application for Conditional Use Permit / CU 19-25 with the following one (1) condition:

- 1. That if additional continuations are required due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).**

All voting, the Motion carried 4 to 1. Commissioner Runde voted no.

12. MINOR PLAT / MPL 19-25: Julie Benson Wilber. To create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of NW1/4SE1/4, Lot A of SW1/4SE1/4, and Lot A of SE1/4SE1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

(Continued from the September 23, 2019, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision

Staff recommended approval of Minor Plat / MPL 19-25 with the following eight (8) conditions:

1. 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;

2. That prior to the Plat being recorded with the Register of Deeds, percolation tests and soil profile hole information be submitted for proposed Lot 2 of Thorstenson-Benson Ranch Subdivision for review and approval by the County Onsite Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That the applicant obtains an Approach Permit from Pennington County Highway prior to installation of any approaches off of Nemo Road;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That prior to the Plat being recorded with the Register of Deeds, the Owner's Certificate notary acknowledgment needs to be in corporation format for the partnership;
6. That all future addresses must be posted in accordance with Pennington County Ordinance #20;
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 applicant ensures that all natural drainage ways are maintained and are not blocked.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Minor Plat / MPL 19-25 with the following eight (8) conditions:

- 1. 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;**
- 2. That prior to the Plat being recorded with the Register of Deeds, percolation tests and soil profile hole information be submitted for proposed Lot 2 of Thorstenson-Benson Ranch Subdivision for review and approval by the County Onsite Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That the applicant obtains an Approach Permit from Pennington County Highway prior to installation of any approaches off of Nemo Road;**
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**

5. **That prior to the Plat being recorded with the Register of Deeds, the Owner's Certificate notary acknowledgment needs to be in corporation format for the partnership;**
6. **That all future addresses must be posted in accordance with Pennington County Ordinance #20;**
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 applicant ensures that all natural drainage ways are maintained and are not blocked.**

All voting aye, the Motion carried 5 to 0.

13. MINOR PLAT / MPL 19-28: Brad and Colleen Kurtz. To create Lots 8A and 8B of Collins Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 8, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 8A and 8B, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 8A and 8B of Collins Addition.

Staff recommended approval of Minor Plat / MPL 19-28 with the following six (6) conditions:

1. That the applicant obtain Approach Permits from the State Highway Department prior to installation of any approaches off of Highway 385;
2. That the applicant ensures all natural drainage ways are maintained and are not blocked;
3. 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;
4. That all future addresses must be posted in accordance with Pennington County Ordinance #20.

5. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and,
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations.

Discussion followed.

Moved by Drewes and seconded by Runde to approve of Minor Plat / MPL 19-28 with the following six (6) conditions:

- 1. That the applicant obtain Approach Permits from the State Highway Department prior to installation of any approaches off of Highway 385;**
- 2. That the applicant ensures all natural drainage ways are maintained and are not blocked;**
- 3. 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;**
- 4. That all future addresses must be posted in accordance with Pennington County Ordinance #20.**
- 5. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and,**
- 6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations.**

All voting aye, the Motion carried 5 to 0.

14. MINOR PLAT / MPL 19-30: Olson Rental Properties LLC / Aaron Olson. To create Lots 1 and 2 of Rand Lode Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 1 and 2 of Rand Lode Subdivision.

Staff recommended approval of Minor Plat / MPL 19-30 with the following seven (7) conditions:

1. That prior to filing the Minor Plat with the Register of Deeds, the Plat Private Access & Utility Easement Notes be corrected, per Register of Deeds comments;
2. That prior to filing the Minor Plat with the Register of Deeds, the Plat Utility and Minor Drainage Easements be clarified, per Black Hills Energy comments;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. 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;
5. That all future addresses must be posted in accordance with Pennington County Ordinance #20.
6. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and,
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Minor Plat / MPL 19-30 with the following seven (7) conditions:

- 1. That prior to filing the Minor Plat with the Register of Deeds, the Plat Private Access & Utility Easement Notes be corrected, per Register of Deeds comments;**
- 2. That prior to filing the Minor Plat with the Register of Deeds, the Plat Utility and Minor Drainage Easements be clarified, per Black Hills Energy comments;**
- 3. That the applicant ensures all natural drainage ways are maintained and are not blocked;**
- 4. 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;

- 5. That all future addresses must be posted in accordance with Pennington County Ordinance #20.**
- 6. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and,**
- 7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations.**

All voting aye, the Motion carried 5 to 0.

15. MINOR PLAT / MPL 19-31: Double L Properties, LLC. To create Lot 10, Block 3 of the Ranch at Black Gap in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10, Block 3, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lot 10, Block 3 of the Ranch at Black Gap.

Staff recommended approval of Minor Plat / MPL 19-31 with the following six (6) conditions:

1. 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;
2. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That at the time of Building Permit submittal for proposed Lot 10 of Block 3, an address will be assigned and shall be posted so it is clearly visible at all times, in accordance with Pennington County's Ordinance #20;
4. That following platting of proposed Lot 10 of Block 3, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;

5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and also include the appropriate Certifications for the City of Rapid City; and,
6. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.

Discussion followed.

Moved by Johnson and seconded by Drewes to approve of Minor Plat / MPL 19-31 with the following six (6) conditions:

- 1. 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;**
- 2. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 3. That at the time of Building Permit submittal for proposed Lot 10 of Block 3, an address will be assigned and shall be posted so it is clearly visible at all times, in accordance with Pennington County's Ordinance #20;**
- 4. That following platting of proposed Lot 10 of Block 3, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;**
- 5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and also include the appropriate Certifications for the City of Rapid City; and,**
- 6. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.**

All voting aye, the Motion carried 5 to 0.

16. LAYOUT PLAT / LPL 19-29: Jeremiah and Trista Vlcek. To combine two lots to create Lot 6R, Block 10, The Ranch at Black Gap in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 6 and 7, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 6R, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine two lots to create Lot 6R, Block 10, The Ranch at Black Gap.

Staff recommended approval of Layout Plat / LPL 19-29 with the following six (6) conditions:

1. That at the time of Minor Plat application submittal, eight (8) foot Minor Drainage Easements are 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 application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. 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;
4. That at the time of the Minor Plat application submittal, the prepared plat has a note stating that prior to obtaining a building permit each lot must identify two (2) Onsite Wastewater Systems with accompanying percolation tests and soil profiles for each location, see book 29, page 164.
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
6. 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 Johnson and seconded by Lasseter to approve of Layout Plat / LPL 19-29 with the following six (6) conditions:

- 1. That at the time of Minor Plat application submittal, eight (8) foot Minor Drainage Easements are 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 application submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 3. 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;

4. That at the time of the Minor Plat application submittal, the prepared plat has a note stating that prior to obtaining a building permit each lot must identify two (2) Onsite Wastewater Systems with accompanying percolation tests and soil profiles for each location, see book 29, page 164.
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
6. 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.

17. REZONE / RZ 19-13 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-13: Leslie McGourty. To rezone 3.02 acres from Planned Unit Development to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 207, 213, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Voshall Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment to rezone 3.02 acres from Planned Unit Development to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

Staff recommended approval of Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve of Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13.

All voting aye, the Motion carried 5 to 0.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items.

Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

18. CONSTRUCTION PERMIT REVIEW / CP 19-08: Mitch Morris. To review repair of an existing dam.

W1/2, Section 33, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue Construction Permit / CP 19-08 to the November 12, 2019, Planning Commission meeting with the following six (6) conditions:

1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
3. That the applicant or landowner have an engineer do a report to show that the increase in size of the spillway, will not have a negative effect on the drainage;
4. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
5. That the applicant signs a Statement of Understanding prior to CP 19-07 approval; and,
6. That this Construction Permit be reviewed at the November 12, 2019 Planning Commission meeting or as directed by the Planning Director.

19. CONSTRUCTION PERMIT REVIEW / CP 19-09: Rangel Construction Company. To review the improvement to the drainage around Rapid Valley Elementary School.

Tract 1 of Lot W of (SE1/4NW1/4 and NE1/4SW1/4) (Easement), Williams Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 19-09 with the following thirteen (13) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. 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;

3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all-natural drainage ways and paths be continually maintained;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage *immediately* after being notified or as discovered by the owner during weekly inspections;
8. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
9. That **all** inspection reports since July 8, 2019 be submitted to the Planning Department for review on or by October 31, 2019
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 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;
12. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
13. That this Construction Permit be reviewed at the November 12, 2019 Planning Commission meeting, or as directed by the Planning Director.

END OF CONSTRUCTION PERMIT AGENDA

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 23, 2019, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for September 2019.
- B. County Building Permit Reports. Conover stated that Staff has been in contact with the KOTA radio station and they will include announcing the monthly County Building Permit Report.

23. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

24. ADJOURNMENT

Moved by Lasseter and seconded by Drewes to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 9:43 a.m.

Sonny Rivers, Vice Chairperson