

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
September 28, 2020 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Kathy Johnson, Charlie Johnson, Sandra Runde, Deb Hadcock, and Jim Coleman (teleconference).

STAFF PRESENT: Brittney Molitor, Stephanie Jansen, Cody Sack, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 14, 2020, MINUTES

Moved by C. Johnson and seconded by Runde to approve the Minutes of the September 28, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Hadcock – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by Runde and seconded by K. Johnson to approve the Agenda of the September 28, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Hadcock – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by Lasseter and seconded by Drewes to approve the Consent Agenda of the September 28, 2020, Planning Commission meeting, with the removal of Item #4. Roll Call: Marsh – aye, Coleman – aye; Hadcock – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 08-39: Patrick and Marlene Sheely. To review an accessory structure prior to a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Koupal Estates Subdivision, Section 14, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 08-39 with the following eight (8) conditions:

1. That a Building Permit be obtained to finish the living quarters in the pole barn prior to the work being started, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the applicant ensures all natural drainage paths are maintained and not blocked;
4. That the address for the property continue to be posted on the pole barn and at the cul-de-sac in accordance with Pennington County's Ordinance #20;
5. That proper setbacks be maintained for any construction on the property;
6. That the pole barn be used for personal use only and no commercial-type uses;
7. That the pole barn may not be used as a rental on a nightly, weekly, or yearly-basis; and,
8. That this Conditional Use Permit be reviewed 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 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-37:** Ken Denke. To review the use of a camper as temporary living quarters on the subject property, not to exceed 180 days a year, 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 approve the extension of Conditional Use Permit / CU 17-37 with the following seven (7) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property unless the Landowner(s) receives an approved Variance;

2. That any graywater created by the RV must be collected in the RV holding tank prior to discharge and must not create a public nuisance or be allowed to enter any waters of the state;
3. That the address assigned to the property continue to be clearly posted in accordance with Pennington County Ordinance #20;
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 the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
6. 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,
7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-18:** Randy Dowdy and Laura Luthy; Reel Simple, LLC. To review a rental home park to include four (4) existing mobile home rental units and to allow an additional ten (10) rental units, which would include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

W1/2W1/2SE1/4SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-18 with the following nineteen (19) conditions:

1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor's homes, and one (1) residence to be used as the caretaker/manager's residence;
2. That the rental home park continually have a caretaker or manager's residence on-site and it be appropriately identified as such;
3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;

4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;
6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;
7. That prior to issuance of Building Permits for any of the proposed additional residences, the interior access road be named, access be consolidated to one (1) point, and all existing and future rental units be addressed off of the proposed interior roadway;
8. That the four (4) existing rental units have their physical addresses verified and/or assigned, and added into the GIS system. ½ number addresses will not be allowed. These addresses must be posted prior to the next review;
9. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant provide the Planning Department with a Class I water system operator certification and State approved plans;
10. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant meet with West River Electric to discuss the layout for the utilities and provide written approval from West River Electric to the Planning Department;
11. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;
12. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
13. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;

14. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);
15. That the property remains free of debris and junk vehicles and all structures be well-maintained;
16. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
17. That an approved Building Permit be obtained for each new residence prior to construction and 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;
18. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property; and,
19. 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 7 to 0.

END OF CONSENT AGENDA

4. CONDITIONAL USE PERMIT REVIEW / CU 16-33: Clinton Nulle. To review a single-wide mobile home 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 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 16-33 with the following eight (8) conditions:

1. That the subject property remains free of debris and junk vehicles;
2. That the minimum setback requirements of a Suburban Residential District be continually maintained or a Variance be approved by the Board of Adjustment for any encroachment;
3. That the single-wide mobile home continues to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
4. That CFR 60.3(b)(8) standards continue to be met using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces;
5. 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;
6. That the address (785 C&F Avenue) continues to be clearly posted on the residence and so that it is visible from C&F Avenue, in accordance with Pennington County's Ordinance #20;
7. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property; 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.

Discussion followed.

Moved by C. Johnson and seconded by Hadcock to continue the review of Conditional Use Permit / CU 16-33 to the October 12, 2020, Planning Commission meeting and the property owner provide a current picture of the subject property showing the conditions of the property.

Roll Call: Marsh – aye, Coleman – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, Runde – aye, and Hadcock - aye. Roll Call Vote: carried 7 to 0.

7. MINING PERMIT REVIEW / MP 19-03: Cody Schad. To review the removal of gypsum to be hauled off site.

Lot 3R, Marvin Subdivision, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Sack stated this is a review of the applicant's Mining Permit.

Staff recommended to end Mining Permit / MP 19-03.

Moved by Hadcock and seconded by Lasseter to end Mining Permit / MP 19-03.

Discussion followed.

Commissioner Hadcock called the Question.

Vote on Motion to end Mining Permit/ MP 19-03. Roll Call: Marsh – aye, Coleman – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, Runde – aye, and Hadcock - aye. Roll Call Vote: carried 7 to 0.

8. LAYOUT PLAN / LPL 20-26: Jensen Family Trust / Walter Jensen. To subdivide and create Lots 1A and 1B of Columbus South Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Columbus South Subdivision, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1A and Lot 1B of Columbus South Subdivision, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 1A and 1B of Columbus South Subdivision.

Staff recommended approval of Layout Plan / LPL 20-26 with the following eleven (11) conditions:

1. That proposed Lot 1B take access from the existing approach and no new approach be created off of Nemo Road;
2. That prior to Minor Plat submittal, a 40-foot-wide access easement be established from Nemo Road in order to provide legal access to Lot 1B;
3. That prior to Minor Plat submittal, the applicant provide percolation tests and soil profile hole information or obtain an approved Subdivision Regulations Variance to waive these requirements;
4. That the applicant ensures all natural drainage ways are maintained and not blocked;

5. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That prior to Minor Plat submittal, Base Flood Elevation data be established for the proposed lots and the plat contain one hundred (100) year floodplain limits in accordance with Pennington County Subdivision Regulations, Section 400.3(1)(l);
7. That at the time of Minor Plat submittal, the plat meets 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;
8. 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;
9. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
10. That prior to the new Plat being recorded with the Register of Deeds, the applicant obtain a Lot Size Variance for Lot 1B or it be Rezoned appropriately; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Staff further recommended amending the language in Condition #6 to read: “That prior to Minor Plat submittal, Base Flood Elevation data should be established for the proposed lots to indicate any potential flood hazard area.”

Discussion followed.

Moved by Hadcock and seconded by K. Johnson to approve of Layout Plan / LPL 20-26, with amended language in Condition #6, with the following eleven (11) conditions:

- 1. That proposed Lot 1B take access from the existing approach and no new approach be created off of Nemo Road;**
- 2. That prior to Minor Plat submittal, a 40-foot-wide access easement be established from Nemo Road in order to provide legal access to Lot 1B;**

3. That prior to Minor Plat submittal, the applicant provide percolation tests and soil profile hole information or obtain an approved Subdivision Regulations Variance to waive these requirements;
4. That the applicant ensures all natural drainage ways are maintained and not blocked;
5. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That prior to Minor Plat submittal, Base Flood Elevation data should be established for the proposed lots to indicate any potential flood hazard area;
7. That at the time of Minor Plat submittal, the plat meets 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;
8. 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;
9. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
10. That prior to the new Plat being recorded with the Register of Deeds, the applicant obtain a Lot Size Variance for Lot 1B or it be Rezoned appropriately; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Coleman – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, Runde – aye, and Hadcock - aye. **Roll Call Vote:** carried 7 to 0.

9. LAYOUT PLAN / LPL 20-27: Keith and Lona Lau. To subdivide and create Lots 5R and 6 of Lau Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 of Lau Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5R and Lot 6 of Lau Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Jansen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 5R and 6 of Lau Subdivision.

Staff recommended approval of Layout Plat / LPL 20-27 with the following twelve (12) conditions:

1. That the applicant ensures all natural drainage ways are maintained and are not blocked;
2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That prior to applying for the Preliminary Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 6, to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
7. That at the time of Preliminary 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;
8. That access for proposed Lot 6 be taken from the existing Hisega Road approach;
9. That no approach be created off of Wheaton Road;
10. That at the time of Preliminary Plat submittal, the applicant provide documentation showing where access will be provided to proposed Lot 6;
11. That the applicant obtains a Building Permit for the 20' x 10' prefabricated storage shed built in 2016 per DOE records, and pay all applicable penalty fees; and,
12. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by K. Johnson and seconded by Runde to approve of Layout Plat / LPL 20-27 with the following twelve (12) conditions:

- 1. That the applicant ensures all natural drainage ways are maintained and are not blocked;**
- 2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;**
- 3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 5. That prior to applying for the Preliminary Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 6, to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;**
- 6. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
- 7. That at the time of Preliminary 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;**
- 8. That access for proposed Lot 6 be taken from the existing Hisega Road approach;**
- 9. That no approach be created off of Wheaton Road;**
- 10. That at the time of Preliminary Plat submittal, the applicant provide documentation showing where access will be provided to proposed Lot 6;**
- 11. That the applicant obtains a Building Permit for the 20' x 10' prefabricated storage shed built in 2016 per DOE records, and pay all applicable penalty fees; and,**
- 12. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

Roll Call: Marsh – aye, Coleman – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – no, Runde – aye, and Hadcock - aye. Roll Call Vote: carried 6 to 1.

10. LAYOUT PLAN / LPL 20-28: Preston Family, Inc. / John Preston. To subdivide and create Lots 1-114 of Preston Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract S of SW1/4SE1/4; SE1/4SE1/4 Less Tract AR Preston Subd.; Tract S of SE1/4SW1/4; Tract E of GL 4 Less ROW, Section 18, T2S, R8E, and W1/2NE1/4, E1/2NW1/4, Tract E of Lot 1, Tract E of Lot 2, Tract W of NE1/4NE1/4, Tract W of SE1/4NE1/4 Less RTY; NE1/4SW1/4; NW1/4SE1/4; PT SW1/4SE1/4; Tract W in SE1/4SE1/4; Tract E of Lot 3; Tract NE of Lot 4; PT SE1/4SW1/4; Tract W in NE1/4SE1/4 Less ROW, Section 19, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-114 of Preston Ranch Subdivision, Sections 18 and 19, T2S, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 1-114 of Preston Ranch Subdivision.

Staff recommended approval of Layout Plan / LPL 20-28 with the following thirty-five (35) conditions:

1. That prior to submittal of the Preliminary Plat, the subject properties be rezoned to address the new lot sizes;
2. That at the time of submittal the Preliminary Plat, the applicant shall provide percolation test results to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
3. That at the time of submittal of the Preliminary Plat, the applicant shall either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in Section 400.2.2.e of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement;
4. That at the time of submittal of the Preliminary Plat, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;
5. That at the time of submittal of the Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in

Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;

6. That at the time of submittal of the Preliminary Plat, the applicant shall provide engineered road plans and construction plans to the Planning staff as required in Section 400.2.2.q and Section 400.2.2.s of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
7. That at the time of submittal of the Preliminary Plat, the applicant will need to address the similar lot numbers in Pennington and Custer Counties, per the recommendation of the Register of Deeds;
8. That at the time of submittal of the Preliminary Plat, a plan must be submitted to the Fire Coordinator outlining the location of fire hydrants, water storage and water system capabilities for review;
9. That at the time of submittal of the Preliminary Plat, engineered road construction plans must be submitted to the Highway Superintendent for approval or Subdivision Regulations Variance be obtained waiving the road construction requirements;
10. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or a Subdivision Regulations Variance be obtained to waiving this requirement;
11. That at the time of submittal of the Preliminary Plat, the applicant will need to provide documentation demonstrating that the approaches off of S. Highway 79 have been approved by the South Dakota Department of Transportation;
12. That at the time of submittal of the Preliminary Plat, a drainage study be submitted to verify that post development flows do not exceed pre-development flows;
13. That at the time of submittal of the Preliminary Plat, 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;
14. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
15. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
16. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;

17. That at the time of the Preliminary Plat application submittal, the current locations of the Black Hills Electric Cooperative facilities be shown on the plat;
18. That drainage improvements be made to address post development storm water flows;
19. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision and improvements to Murphy and Shorb Roads, or obtain a Subdivision Regulations Variance waiving this surety requirement;
20. That prior to County Board approval of the Preliminary Plat, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.);
21. The signage for the subdivision must include speed limits that reflect the designed speed of the roads, intersection control and other warning signs as necessary. All signage must meet the sign standards of the Pennington County Highway Department. All signs must be installed by the applicant or surety posted;
22. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance;
23. That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Environment and Natural Resources;
24. That at the time of submittal of the Final Plat, the water system serving Preston Ranch Subdivision be approved by the South Dakota Department of Environment and Natural Resources;
25. That at the time of submittal of the Final Plat, an agreement is recorded with the Register of Deeds with the Paramount Point Water System for maintenance of the distribution system within the subdivision;
26. That at the time of submittal of the Final Plat, a Road District is formed for maintenance of roads within the Subdivision and a Resolution be approved by the Board of Commissioners;
27. That at the time of submittal of the Final Plat, any potential Special Flood Hazard Area be shown on the plat for proposed Lots 80 and 81 of Preston Ranch Subdivision;
28. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;

29. 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;
30. That the roads within the development must be built to Ordinance 14 Standards and Murphy and Shorb Roads must be improved to asphalt surfaces in accordance with Ordinance 14 Standards;
31. That prior to completion of Phase 2, Murphy Road must be improved to an asphalt surface from SD Highway 79 to Shorb Road;
32. That prior to completion of Phase 3, Shorb Road must be improved to an asphalt surface from Murphy Road to the Custer County line;
33. That all setbacks from lot lines be maintained for existing structures and utilities on proposed Lot 81, as a result of the proposed plat; and,
34. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Commissioner Runde left the meeting at 10:26 a.m.

Commissioner Runde returned to the meeting at 10:28 a.m.

Moved by Runde and seconded by Lasseter to approve of Layout Plan / LPL 20-28 with the following thirty-five (35) conditions:

- 1. That prior to submittal of the Preliminary Plat, the subject properties be rezoned to address the new lot sizes;**
- 2. That at the time of submittal the Preliminary Plat, the applicant shall provide percolation test results to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 3. That at the time of submittal of the Preliminary Plat, the applicant shall either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in Section 400.2.2.e of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement;**
- 4. That at the time of submittal of the Preliminary Plat, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;**

5. That at the time of submittal of the Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
6. That at the time of submittal of the Preliminary Plat, the applicant shall provide engineered road plans and construction plans to the Planning staff as required in Section 400.2.2.q and Section 400.2.2.s of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
7. That at the time of submittal of the Preliminary Plat, the applicant will need to address the similar lot numbers in Pennington and Custer Counties, per the recommendation of the Register of Deeds;
8. That at the time of submittal of the Preliminary Plat, a plan must be submitted to the Fire Coordinator outlining the location of fire hydrants, water storage and water system capabilities for review;
9. That at the time of submittal of the Preliminary Plat, engineered road construction plans must be submitted to the Highway Superintendent for approval or Subdivision Regulations Variance be obtained waiving the road construction requirements;
10. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or a Subdivision Regulations Variance be obtained to waiving this requirement;
11. That at the time of submittal of the Preliminary Plat, the applicant will need to provide documentation demonstrating that the approaches off of S. Highway 79 have been approved by the South Dakota Department of Transportation;
12. That at the time of submittal of the Preliminary Plat, a drainage study be submitted to verify that post development flows do not exceed pre-development flows;
13. That at the time of submittal of the Preliminary Plat, 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;
14. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;

15. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
16. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
17. That at the time of the Preliminary Plat application submittal, the current locations of the Black Hills Electric Cooperative facilities be shown on the plat;
18. That drainage improvements be made to address post development storm water flows;
19. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision and improvements to Murphy and Shorb Roads, or obtain a Subdivision Regulations Variance waiving this surety requirement;
20. That prior to County Board approval of the Preliminary Plat, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.);
21. The signage for the subdivision must include speed limits that reflect the designed speed of the roads, intersection control and other warning signs as necessary. All signage must meet the sign standards of the Pennington County Highway Department. All signs must be installed by the applicant or surety posted;
22. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance;
23. That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Environment and Natural Resources;
24. That at the time of submittal of the Final Plat, the water system serving Preston Ranch Subdivision be approved by the South Dakota Department of Environment and Natural Resources;
25. That at the time of submittal of the Final Plat, an agreement is recorded with the Register of Deeds with the Paramount Point Water System for maintenance of the distribution system within the subdivision;
26. That at the time of submittal of the Final Plat, a Road District is formed for maintenance of roads within the Subdivision and a Resolution be approved by the Board of Commissioners;

27. That at the time of submittal of the Final Plat, any potential Special Flood Hazard Area be shown on the plat for proposed Lots 80 and 81 of Preston Ranch Subdivision;
28. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
29. 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;
30. That the roads within the development must be built to Ordinance 14 Standards and Murphy and Shorb Roads must be improved to asphalt surfaces in accordance with Ordinance 14 Standards;
31. That prior to completion of Phase 2, Murphy Road must be improved to an asphalt surface from SD Highway 79 to Shorb Road;
32. That prior to completion of Phase 3, Shorb Road must be improved to an asphalt surface from Murphy Road to the Custer County line;
33. That all setbacks from lot lines be maintained for existing structures and utilities on proposed Lot 81, as a result of the proposed plat; and,
34. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Coleman – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, Runde – aye, and Hadcock - aye. Roll Call Vote: carried 7 to 0.

11. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission’s recommendations from the September 14th meeting at their Board of Commissioner’s meeting on October 6th.

12. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

13. ITEMS FROM THE STAFF

A. Planning Department / Environmental Planner. Molitor stated that Aaron Tieman is the new Environmental Planner.

14. ITEMS FROM THE MEMBERSHIP

Chairman Marsh discussed calling the Question and allowing the public to speak before a vote is taken.

Commissioner K. Johnson asked the Planning Director to discuss Construction Permits and the responsibilities of staff.

15. ADJOURNMENT

Moved by Hadcock and seconded by Lasseter to adjourn.

Roll Call: Marsh – aye, Coleman – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, Runde – aye, and Hadcock - aye. Roll Call Vote: carried 7 to 0.

The meeting adjourned at 10:55 a.m.

Rich Marsh, Chairperson