

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 26, 2020 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Jim Coleman (teleconference); and Lloyd LaCroix.

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

ROLL CALL

1. APPROVAL OF THE OCTOBER 12, 2020, MINUTES
Moved by LaCroix and seconded by Lasseter to approve the Minutes of the October 12, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by LaCroix to approve the Agenda of the October 26, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

Moved by Lasseter and seconded by LaCroix to approve the Consent Agenda of the October 26, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 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 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 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 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 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-28:** Michael and Erika Radtke; Nadine Radtke - Owner. To review a single-wide mobile home to be used as 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.

PT of S1/2SE1/4 lying South of Highway less right-of-way and less Tract A, Wiese Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 15-28 to the March 22, 2021 Planning Commission meeting, in order for the address to be posted and for the roof and siding to be addressed with the following one (1) condition:

1. That if the address, roof, and siding are not addressed by the March 22, 2021, Planning Commission meeting, staff will end the Conditional Use Permit and it will be turned over to Ordinance Enforcement and the single-wide mobile home must be removed from the property.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 19-26:** Danny Kruse. To review living in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Kruse Subdivision, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 19-26 to the November 23, 2020, Planning Commission meeting with the following one (1) condition:

1. **That if the applicant does not bring the property into compliance by the November 23, 2020, Planning Commission meeting, Conditional Use Permit / CU 19-26 will be ended and turned over to County Ordinance Enforcement.**

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

6. **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.

(Continued from the October 12, 2020, Planning Commission meeting.)

Sack reviewed the Staff Report indicating this Item had been continued from the October 12, 2020, Planning Commission meeting to allow the applicant time to submit current pictures of the subject property.

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

Discussion followed.

Moved by Lasseter and seconded by LaCroix to approve 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 and 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.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

7. CONDITIONAL USE PERMIT / CU 20-21: Pacific Properties, LLC; Tamra Backes - Agent. To bring an existing mobile home park into compliance in a Suburban Residential District in accordance with Sections 208, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot G of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to bring an existing mobile home park into compliance in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 20-21 with the following eighteen (18) conditions:

1. That the mobile home park has a maximum of 52 mobile home spaces;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide, governor's home);
3. That the mobile homes shall have a minimum 20-foot setback on the front, side, and rear to other units;
4. That decks and/or porches be allowed as an accessory structure to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park;
6. That the accessory structures maintain a minimum ten (10) foot rear yard and side yard setback other units;
7. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
9. That a "no fee" Building Permit shall be obtained for the removal of mobile homes on the property;
10. That the addition of accessory structures (i.e., decks, sheds, additions to mobile home) exceeding 144 square feet or on a permanent foundation shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
11. That the mobile homes are addressed based on the new lots assignments and the address is posted on the mobile homes in accordance in Ordinance #20;
12. That prior to approval of any Building Permit, the applicant submits a new site plan showing the location of each mobile homes on each lot;
13. That the applicant obtains a Variance to reduce the 20-foot setback requirement to bring the mobile homes into compliance;
14. That the applicant obtains waivers or improves the road to Ordinance #14 Standards prior to the next review;
15. That the mobile home park be provided with an on-site management office and that said Manager's Office be marked and contact information posted;

16. That all the interior streets shall be a minimum of 20 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
17. That the mobile home park continually meets the requirements of Section 305 of the Pennington County Zoning Ordinance; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lasseter and seconded by LaCroix to approve of Conditional Use Permit / CU 20-21 with the following eighteen (18) conditions:

1. That the mobile home park has a maximum of 52 mobile home spaces;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide, governor's home);
3. That the mobile homes shall have a minimum 20-foot setback on the front, side, and rear to other units;
4. That decks and/or porches be allowed as an accessory structure to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park;
6. That the accessory structures maintain a minimum ten (10) foot rear yard and side yard setback other units;
7. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
9. That a "no fee" Building Permit shall be obtained for the removal of mobile homes on the property;
10. That the addition of accessory structures (i.e., decks, sheds, additions to mobile home) exceeding 144 square feet or on a permanent foundation shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
11. That the mobile homes are addressed based on the new lots assignments and the address is posted on the mobile homes in accordance in Ordinance #20;

12. That prior to approval of any Building Permit, the applicant submits a new site plan showing the location of each mobile homes on each lot;
13. That the applicant obtains a Variance to reduce the 20-foot setback requirement to bring the mobile homes into compliance;
14. That the applicant obtains waivers or improves the road to Ordinance #14 Standards prior to the next review;
15. That the mobile home park be provided with an on-site management office and that said Manager's Office be marked and contact information posted;
16. That all the interior streets shall be a minimum of 20 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
17. That the mobile home park continually meets the requirements of Section 305 of the Pennington County Zoning Ordinance; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

8. CONDITIONAL USE PERMIT / CU 20-22: Michael and Angela Holmberg. To allow a second residence to be used as housing for hired help on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 Less Dedicated RTY, Lovell Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a second residence to be used as housing for hired help on the subject property.

Staff recommended approval of Conditional Use Permit / CU 20-22 with the following eleven (11) 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 residence for hired hand housing be either a single or double-wide mobile home, or a module home that can be removed when help is no longer needed on the subject property;
5. That the applicant signs a “Ranch Hand’s Statement” verifying that he is directly engaged in the operation of the farm or ranch located on the property;
6. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
7. That the subject property remains free of debris and junk vehicles;
8. 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.
9. That the residence be occupied by hired help 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;
10. That Building Permits are obtained for the detached garage and loafing shed prior to approval of a Building Permit for the proposed residence; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed

Moved Lasseter and seconded by Coleman to approval of Conditional Use Permit / CU 20-22 with the following eleven (11) 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 residence for hired hand housing be either a single or double-wide mobile home, or a module home that can be removed when help is no longer needed on the subject property;
5. That the applicant signs a “Ranch Hand’s Statement” verifying that he is directly engaged in the operation of the farm or ranch located on the property;
6. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
8. That the subject property remains free of debris and junk vehicles;
8. 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.
9. That the residence be occupied by hired help 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;
10. That Building Permits are obtained for the detached garage and loafing shed prior to approval of a Building Permit for the proposed residence; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

9. CONDITIONAL USE PERMIT / CU 20-23: Donald and Victoria Pyn. To allow an accessory structure, storage shed, prior to a principal structure in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 3 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

Jansen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure, storage shed, prior to a principal structure in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 20-23 with the following twelve (12) conditions:

1. That an approved Building Permit be obtained for the proposed storage shed/garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a Building Permit be obtained for any structures 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 an approved Approach Permit be obtained from the Deegan Road District prior to establishment of any approach off of Tall Pine Road to the subject property;
4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
5. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;
6. That the proposed storage shed be used for personal use only and no commercial-type uses;
7. That the property be kept free of junk and debris;
8. That all the natural drainage paths be maintained;
9. That the minimum setback requirements of a Low Density Residential District be maintained on the property or the appropriate Variance(s) be obtained;
10. That an address be assigned for the storage shed and be posted both on the structure and at the end of the driveway off of Tall Pine Road, so it is visible from both directions of travel, in accordance with Pennington County's Ordinance #20;
11. That the applicant adhere to Section 510(E)(1)(b) regarding the time limit on establishing the use allowed under this Conditional Use Permit; and,
12. 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.

Discussion followed.

Moved by LaCroix and seconded Lasseter to approve of Conditional Use Permit / CU 20-23 with the following twelve (12) conditions:

- 1. That an approved Building Permit be obtained for the proposed storage shed/garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**

2. That a Building Permit be obtained for any structures 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 an approved Approach Permit be obtained from the Deegan Road District prior to establishment of any approach off of Tall Pine Road to the subject property;
4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
5. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;
6. That the proposed storage shed be used for personal use only and no commercial-type uses;
7. That the property be kept free of junk and debris;
8. That all the natural drainage paths be maintained;
9. That the minimum setback requirements of a Low Density Residential District be maintained on the property or the appropriate Variance(s) be obtained;
10. That an address be assigned for the storage shed and be posted both on the structure and at the end of the driveway off of Tall Pine Road, so it is visible from both directions of travel, in accordance with Pennington County's Ordinance #20;
11. That the applicant adhere to Section 510(E)(1)(b) regarding the time limit on establishing the use allowed under this Conditional Use Permit; and,
12. 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.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

10. CONDITIONAL USE PERMIT / CU 20-24: West River Solar, LLC. To allow for a utility-scale solar energy system in a General Agriculture District in accordance with Sections 205, 317, and 510 of the Pennington County Zoning Ordinance.

GL 2-4; SE1/4NW1/4; E1/2SW1/4; S1/2SE1/4 and N1/2SE1/4; S1/2NE1/4 of Section 31, T1N, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a utility-scale solar energy system in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 20-24 with the following twenty-six (26) conditions:

1. That Building Permits are obtained for all solar modules prior to construction;
2. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the project area;
3. That the address of all operational structures (i.e. O&M building) be posted in accordance with Ordinance #20 following completion of the structure;
4. That setbacks from the property lines and all utilities be maintained for all structures located on the property, or an approved Setback Variance(s) be obtained;
5. That an approved Approach Permit(s) be obtained from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for CU 20-24;
6. That an approved Floodplain Development Permit is obtained prior to any disturbance or placement of structures designated Special Flood Hazard Areas;
7. That a Storm Water Permit is obtained to prior to any land disturbance;
8. That prior to construction, the applicant take steps to minimize prairie dog movement onto neighboring properties;
9. That the design of the solar energy system must conform to applicable local, state and national solar codes and standards at all times;
10. That a Conditional Use Permit is obtained for any temporary contractor's equipment storage yard prior to construction of all solar modules;
11. That no junk material, vehicles, or debris is stored on the site at any given time;
12. That any natural drainage ways and paths be continually maintained;

13. That all exterior lights must use hoods and lens that cast light downward;
14. 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;
15. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
16. That the Planning Department is provided with the safety/access information in case of an emergency;
17. That the proposed structure(s) maintain the 35-foot height requirement, with the exception of utility poles as exempted in Section 204(E) of the PCZO, or an approved Variance(s) be obtained;
18. That the solar panels be non-reflective and unobtrusive at all times;
19. That a Haul Road Agreement, if required, is in place with the County Highway Department prior to construction of the Project;
20. That any private access roads or portions of Sections Lines be constructed to Ordinance 14 standards or a request to waive these Standards be approved by the Board of Commissioners;
21. That prior to any work being done in a Section Line, an approved Road Construction in a Section Line be obtained;
22. That all design and installation work shall comply with all applicable provisions in the National Electric Code, International Building Code, the International Residential Code, International Commercial Building Code, and State Fire Code;
23. That no advertising signage shall be placed on any portion of the solar facilities;
24. That any on-site wastewater treatment system(s) are subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
25. That the solar facility, at no time, shall exceed 55 dBA as measured at the closest property line; and,
26. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission.

Staff further recommended adding a condition to address bonding for the decommissioning of the solar modules.

Discussion followed.

Moved by Lasseter and seconded by Lacroix to continue Conditional Use Permit / CU 20-24 to the November 9, 2020, Planning Commission meeting in order for the applicant to submit documentation to address bonding for the decommissioning of the solar modules.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

11. LAYOUT PLAN / LPL 20-31: Ronald and Susan Johnson. To subdivide and create Lot 1-R2 of Jones Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1R of Jones Ranch Subdivision and SE1/4 Less 9.93 AC in SE1/4 and Less Jones Ranch Subdivision and Less Caputa Community Cemetery and Less Dedicated ROW, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1-R2 of Jones Ranch Subdivision, and a portion of the SW1/4 of SE1/4, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

Jansen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lot 1-R2 of Jones Ranch Subdivision.

Staff recommended approval of Layout Plan / LPL 20-31 with the following seven (7) conditions:

1. That at the time of Preliminary 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 Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That at the time of Preliminary Plat submittal, 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 Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
4. That prior to the Mylar being filed at Register of Deeds, the applicant obtains approval of a rezone and Comprehensive Plan amendment.
5. That access for Lot 1-R2 is taken from the existing approach for the subject property;
6. That the applicant ensures all natural drainage ways are maintained and are not blocked; and,

7. 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 LaCroix and seconded by Lasseter to approve of Layout Plan / LPL 20-31 with the following seven (7) conditions:

1. **That at the time of Preliminary 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 Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
3. **That at the time of Preliminary Plat submittal, 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 Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
4. **That prior to the Mylar being filed at Register of Deeds, the applicant obtains approval of a rezone and Comprehensive Plan amendment.**
5. **That access for Lot 1-R2 is taken from the existing approach for the subject property;**
6. **That the applicant ensures all natural drainage ways are maintained and are not blocked; and,**
7. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

12. LAYOUT PLAN / LPL 20-32: Dean and Jennifer Karschnik. To reconfigure lots lines to create Lot 2R of Lot 2 of Marshall Gulch Subdivision and Tract CR of Tract C of Lot 1 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract C of Lot 1 NW1/4NW1/4; and Lot 2 of Marshall Gulch Subdivision, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R of Lot 2 of Marshall Gulch Subdivision and Tract CR of Tract C of Lot 1, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lots lines to create Lot 2R of Lot 2 of Marshall Gulch Subdivision and Tract CR of Tract C of Lot 1.

Staff recommended approval of Layout Plan / LPL 20-32 with the following ten (10) conditions:

1. That the owners of proposed Tract CR, Timothy and Teresa Ripley, work with The Planning and Zoning Department in order to resolve the Section Line setback violation;
2. That prior to the new Plat being recorded with the Register of Deeds, the owners of proposed Tract CR, Timothy and Teresa Ripley, obtain an approved Lot Size Variance for proposed Tract CR or it be Rezoned appropriately;
3. That the applicant ensures all natural drainage ways are maintained and not blocked;
4. 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;
5. That at the time of Minor Plat submittal, the proposed lot names be corrected per Register of Deeds comments (Tract CR of Lot 1; and Lot 2R of Marshall Gulch Subdivision);
6. 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;
7. 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;
8. 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;
9. That prior to the new Plat being recorded with the Register of Deeds, the applicant and/or land owner obtain an approved Lot Size Variance for proposed Tract CR or it be Rezoned appropriately; and,
10. 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 Lasseter and seconded by LaCroix to approve of Layout Plan / LPL 20-32 with the following ten (10) conditions:

1. That the owners of proposed Tract CR, Timothy and Teresa Ripley, work with The Planning and Zoning Department in order to resolve the Section Line setback violation;
2. That prior to the new Plat being recorded with the Register of Deeds, the owners of proposed Tract CR, Timothy and Teresa Ripley, obtain an approved Lot Size Variance for proposed Tract CR or it be Rezoned appropriately;
3. That the applicant ensures all natural drainage ways are maintained and not blocked;
4. 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;
5. That at the time of Minor Plat submittal, the proposed lot names be corrected per Register of Deeds comments (Tract CR of Lot 1; and Lot 2R of Marshall Gulch Subdivision);
6. 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;
7. 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;
8. 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;
9. That prior to the new Plat being recorded with the Register of Deeds, the applicant and/or land owner obtain an approved Lot Size Variance for proposed Tract CR or it be Rezoned appropriately; and,
10. 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; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 12, 2020, Planning Commission meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

A. Planning Department. Molitor introduced Aaron Tieman, who is the new Environmental Planner.

16. ITEMS FROM THE MEMBERSHIP

Commissioner Lasseter may not be in attendance for the November 23rd PC Meeting.

Commissioner LaCroix discussed Old Hill City Road.

17. ADJOURNMENT

Moved by Coleman and seconded by Lasseter to adjourn.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; and Lasseter – aye. Roll Call Vote: carried 4 to 0.

The meeting adjourned at 10:05 a.m.

Rich Marsh, Chairperson