

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 21, 2020 @ 2:00 p.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Jim Coleman, Travis Lasseter, Charlie Johnson, Kathy Johnson, Sande Runde, and Ron Rossknecht.

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

ROLL CALL

1. APPROVAL OF THE DECEMBER 7, 2020, MINUTES
Moved by C. Johnson and seconded by Johnson to approve the Minutes of the December 7, 2020, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Coleman to approve the Agenda of the December 21, 2020, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Rossknecht and seconded by Coleman to approve the Consent Agenda of the December 21, 2020, Planning Commission meeting, with the removal of Items #3 and #4. Vote: unanimous 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.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-32:** Lynn and Gloria Smith. To review an existing single-family residence to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 2 Less ROW; S1/2NE1/4; SE1/4 Less 1AC and PT Lot 1 S of RR ROW, Section 2, T1N, R11E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-32 with the following seven (7) conditions:

1. **That the ranch hand's residence be occupied by a ranch hand or used as housing for hired help at all times, and is not to be used as a rental by someone not engaged in the operation of the farm or ranch located on the subject property;**

2. That separate addresses continue to be used for both residences on the subject property and that each continue to be posted both where the driveway meets 164th Avenue and on the individual structures so as to be visible from either direction of travel in numbers large enough to read, in accordance with Pennington County's Ordinance #20;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance within the designated Special Flood Hazard Area on the subject property;
6. That Conditional Use Permit / CU 16-32 be automatically end and the ranch hand's residence be removed or the subject property be subdivided, if the operation of the ranch is discontinued or if the ranch hand residence is used as a rental by someone not engaged in the operation of the ranch located on the subject property; and,
7. 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.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-42:** Keith and Sandra Lockner. To review a Home Occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 11, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-42 with the following ten (10) conditions:

1. That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;
2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction of the structure, which requires a site plan to be reviewed and approved by the Planning Director;

3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a General Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That the accessory structure be used for personal use only and no commercial-type uses;
7. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
8. That the property owner is aware of the U.S. Forest Service requirements at all times;
9. That the applicant apply for a Building Permit for the Pole barn within one (1) year of approval of the extension or Conditional Use Permit / CU 16-30 will end; and,
10. 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 the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

3. CONDITIONAL USE PERMIT REVIEW / CU 71-04: David Allard. To review an existing mobile home park on the subject property in a General Commercial District in accordance with Sections 209, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR RTY across Lot 1 of Subdivision of Section 31, 2N-6E, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 7, 2020, Planning Commission meeting.)

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

Staff recommended approval of the extension of Conditional Use Permit / CU 71-04 with the following thirteen (13) conditions:

1. That the mobile home park has a maximum of seven (7) single-wide mobile home spaces;
2. That an approved Floodplain Development Permit be obtained *prior to* any disturbance or placement of structures within the boundaries of the Special Flood Hazard Area;
3. That this Conditional Use Permit be amended *prior to* any expansion of uses or the addition of any single-wide mobile homes exceeding the maximum allowed spaces;
4. That the address (13250 W. Highway 44) continually be clearly posted at the driveway so that it is visible from both directions of travel on W. Highway 44, in accordance with Pennington County's Ordinance #20 and lot numbers continually be clearly posted on each mobile home;
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 all new mobile homes shall meet the requirements of Pennington County Zoning Ordinance Section 305 (Mobile Home Parks);
7. That any new single-wide mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
8. That the subject property and all structures on the property must comply with all local, state and federal rules and regulations at all times;
9. That all carports on the subject property be anchored or permanently affixed into the ground and building permits obtained;
10. That no accessory structure, of any size, shall be used for sleeping, rental, living, or as a vacation home rental or the like without obtaining a separate Conditional Use Permit;
11. The subject property remains free of debris and junk vehicles;
12. That if the subject property is not in compliance with all Conditions of Approval at the time of the next review, this Conditional Use Permit will automatically end; and,
13. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by Coleman to approve of the extension of Conditional Use Permit / CU 71-04 with the following thirteen (13) conditions:

- 1. That the mobile home park has a maximum of seven (7) single-wide mobile home spaces;**
- 2. That an approved Floodplain Development Permit be obtained *prior to* any disturbance or placement of structures within the boundaries of the Special Flood Hazard Area;**
- 3. That this Conditional Use Permit be amended *prior to* any expansion of uses or the addition of any single-wide mobile homes exceeding the maximum allowed spaces;**
- 4. That the address (13250 W. Highway 44) continually be clearly posted at the driveway so that it is visible from both directions of travel on W. Highway 44, in accordance with Pennington County's Ordinance #20 and lot numbers continually be clearly posted on each mobile home;**
- 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 all new mobile homes shall meet the requirements of Pennington County Zoning Ordinance Section 305 (Mobile Home Parks);**
- 7. That any new single-wide mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
- 8. That the subject property and all structures on the property must comply with all local, state and federal rules and regulations at all times;**
- 9. That all carports on the subject property be anchored or permanently affixed into the ground and building permits obtained;**
- 10. That no accessory structure, of any size, shall be used for sleeping, rental, living, or as a vacation home rental or the like without obtaining a separate Conditional Use Permit;**
- 11. The subject property remains free of debris and junk vehicles;**
- 12. That if the subject property is not in compliance with all Conditions of Approval at the time of the next review, this Conditional Use Permit will automatically end; and,**

13. **That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

SUBSTITUTE MOTION: Moved by Runde and seconded by C. Johnson to approve the extension of Conditional Use Permit / CU 71-04 with a review in three months.

Discussion followed.

Vote on Substitute Motion: Commissioner Runde – yes. Commissioners Marsh, C. Johnson, Coleman, Rossknecht, Lasseter, and K. Johnson – no. Substitute Motion failed 1 – 6.

Vote on Original Motion to approve the extension of Conditional Use Permit / CU 71-04: Commissioners Marsh, C. Johnson, Coleman, Rossknecht, Lasseter, and K. Johnson – yes. Commissioner Runde – no. Original Motion passed 6 to 1.

4. CONDITIONAL USE PERMIT REVIEW / CU 16-30: Paul and Carol Niemann. To review an accessory structure, pole barn, prior to a primary structure on the subject property in a General Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

Staff asked to have this Item removed from the Consent Agenda to amend Condition #10 to change to review of the Conditional Use Permit from two years to one year.

Moved by Lasseter and seconded by Rossknecht to approve of the extension of Conditional Use Permit / CU 16-30 with the following ten (10) conditions:

1. **That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;**
2. **That an approved Building Permit be obtained for the proposed pole barn prior to the construction of the structure, which requires a site plan to be reviewed and approved by the Planning Director;**
3. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
4. **That the minimum setback requirements of a General Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;**

5. **That the subject property remains free of debris and junk vehicles;**
6. **That the accessory structure be used for personal use only and no commercial-type uses;**
7. **That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;**
8. **That the property owner is aware of the U.S. Forest Service requirements at all times;**
9. **That the applicant apply for a Building Permit for the Pole barn within one (1) year of approval of the extension or Conditional Use Permit / CU 16-30 will end; 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 the Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

7. CONDITIONAL USE PERMIT / CU 20-30: Jay and Mary Smith. To allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205, 304, and 510 of the Pennington County Zoning Ordinance.

W1/2E1/2NW1/4NW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 20-30 with the following ten (10) conditions:

1. That an approved On-Site Wastewater Treatment System Construction Permit be obtained through the City of Rapid City prior to the installation of any On-Site Wastewater Treatment System and prior to applying for a Building Permit for the single-wide mobile home;
2. That an access easement document be created and recorded with the Register of Deeds showing legal access to the property prior to applying for a Building Permit for the single-wide mobile home;
3. That an approved Building Permit be obtained for the proposed single-wide mobile home prior to any construction or the placement of the single-wide mobile

home, which requires a site plan to be reviewed and approved by the Planning Director;

4. That the single-wide mobile home installed on the property has a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. That the address, 1435 225th Street, be posted on the structure and at the approach, so it is visible from both directions of travel along 225th Street in accordance with Pennington County Ordinance #20;
6. That the minimum setback requirements of a General Agriculture District be maintained on the property;
7. That the Section Line setback of fifty-eight (58) feet, on the north property line, be maintained;
8. That an approved 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;
9. That the subject property remains free of debris and junk vehicles; 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.

Supboon further noted that Staff did receive a letter of concern from a neighboring property owner about the prairie dogs and Staff would like to include another condition to the Conditions of Approval to state: "That the applicant works with the County Natural Resources Director to control the prairie dogs on the property."

Moved by Rossknecht and seconded by Lasseter to approve of Conditional Use Permit / CU 20-30 with eleven (11) conditions:

Discussion followed.

SUBSTITUTE MOTION: Moved by Rossknecht and seconded by Coleman to continue Conditional Use Permit / CU 20-30 to the January 11, 2021, Planning Commission meeting; and, to approve a temporary Building Permit to allow the applicant to move the single-wide mobile home to the subject property and only store it and not hook it up to utilities.

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT / CU 20-31: Cindy Wasson. To allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205, 304, and 510 of the Pennington County Zoning Ordinance.

Lot 2, Kaur Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 20-30 with the following eleven (11) conditions:

1. That an approved Building Permit be obtained for the proposed single-wide mobile home;
2. That the property address (22711 155th Avenue) be posted at the entrance to the property and on the single-wide mobile home in accordance with Pennington County Ordinance #20;
3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That the 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;
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;
7. That the applicant utilizes the existing approach and that no new approaches be constructed;
8. That the applicant obtain a Building Permit for the existing storage container, cabin, and loafing shed/ barn within 30 days of approval of this Conditional Use Permit;
9. That the applicant either obtain a Floodplain Development Permit for the structure and debris that is located in the Special Flood Hazard area or remove it from the Special Flood Hazard Area prior to approval of a Building Permit for the single-wide mobile home;

10. That if the cabin contains living quarters the applicant will either need to remove the cabin from the site or obtain a Conditional Use Permit for a Guest House prior to approval of a Building Permit for the single-wide mobile home; and,
11. That this Conditional Use Permit be reviewed in one (1) year, 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.

Discussion followed.

Moved by Rossknecht and seconded by K. Johnson to approve of Conditional Use Permit / CU 20-30 with the following eleven (11) conditions:

- 1. That an approved Building Permit be obtained for the proposed single-wide mobile home;**
- 2. That the property address (22711 155th Avenue) be posted at the entrance to the property and on the single-wide mobile home in accordance with Pennington County Ordinance #20;**
- 3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
- 4. That the subject property remains free of debris and junk vehicles;**
- 5. That the 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;**
- 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;**
- 7. That the applicant utilizes the existing approach and that no new approaches be constructed;**
- 8. That the applicant obtain a Building Permit for the existing storage container, cabin, and loafing shed/ barn within 30 days of approval of this Conditional Use Permit;**
- 9. That the applicant either obtain a Floodplain Development Permit for the structure and debris that is located in the Special Flood Hazard area or remove it from the Special Flood Hazard Area prior to approval of a Building Permit for the single-wide mobile home;**

10. That if the cabin contains living quarters the applicant will either need to remove the cabin from the site or obtain a Conditional Use Permit for a Guest House prior to approval of a Building Permit for the single-wide mobile home; and,
11. That this Conditional Use Permit be reviewed in one (1) year, 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.

All voting, the Motion carried 6 to 1. Commissioner C. Johnson voted no.

9. LAYOUT PLAN / LPL 20-42: Tim and Terra Duda. To reconfigure lot lines to create Lot 17R and Lot 23R, Block D of Edelweiss Mountain Development Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 17, Lot 18, and Lot 23, Block D of Edelweiss Mountain Development Subdivision, Sections 17 and 20, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 17R and Lot 23R, Block D of Edelweiss Mountain Development Subdivision, Sections 17 and 20, T1N, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines to create Lot 17R and Lot 23R, Block D of Edelweiss Mountain Development Subdivision.

Staff recommended approval of Layout Plan / LPL 20-42 with the following nine (9) conditions:

1. That prior to filing the plat with the Register of Deeds, the Section Line on Lot 23R be dedicated and improved or an approved Subdivision Regulations Variance be obtained waiving any of the requirements that are not met;
2. That prior to filing the plat with the Register of Deeds, the deeded owner's name match for both of the proposed lots, per Department of Equalization comments in this Staff Report;
3. That prior to Minor Plat submittal, the private access easement on Lot 23R be 40-foot-wide or an approved Subdivision Regulations Variance be obtained waiving any of the requirements that are not met;
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 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;

6. 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;
7. That the applicant ensures all natural drainage ways are maintained and not blocked;
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; and,
9. 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 Plan / LPL 20-42 with the following nine (9) conditions:

- 1. That prior to filing the plat with the Register of Deeds, the Section Line on Lot 23R be dedicated and improved or an approved Subdivision Regulations Variance be obtained waiving any of the requirements that are not met;**
- 2. That prior to filing the plat with the Register of Deeds, the deeded owner's name match for both of the proposed lots, per Department of Equalization comments in this Staff Report;**
- 3. That prior to Minor Plat submittal, the private access easement on Lot 23R be 40-feet-wide or an approved Subdivision Regulations Variance be obtained waiving any of the requirements that are not met;**
- 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 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;**
- 6. 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;**

7. **That the applicant ensures all natural drainage ways are maintained and not blocked;**
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; and,**
9. **That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 7 to 0.

10. LAYOUT PLAN / LPL 20-43: Alvin and Lois Rudd. To create Rudd Tract and Lot 8R in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S660 ft of E660 ft of Lot 10 in SE1/4SW1/4 (or SE1/4SE1/4SW1/4) and SE1/4NE1/4; Lot 2 in NE1/4NE1/4 Less Lot H-1; Lot 10 in SE1/4SW1/4 Less S660 ft of E660 ft; Lot 4 in NW1/4NE1/4; Lot 6 in SW1/4NE1/4; Lot 8 in NE1/4SW1/4; 50 ft Wide Strip in W1/2NE1/4 Lying NWLY of Said Lots 4 and 6 and SELY of RR ROW; NE1/4SE1/4; W1/2SE1/4; N1/2S1/2SE1/4SE1/4; N1/2SE1/4 SE1/4, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Rudd Tract and Lot 8R, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Rudd Tract and Lot 8R.

Staff recommended approval of Layout Plan / LPL 20-43 with the following twelve (12) conditions:

1. That prior to filing the plat with the Register of Deeds, the Section Lines on proposed Rudd Tract be dedicated and improved or an approved Subdivision Regulations Variance be obtained, waiving any of the requirements that are not met;
2. That prior to filing the plat with the Register of Deeds, percolation tests and eight soil profile hole information shall be required for proposed Lot 8R or an approved Subdivision Regulations Variance be obtained, waiving any of the requirements that are not met;
3. That prior to filing the plat with the Register of Deeds, the applicant Rezone proposed Lot 8R to an appropriate zoning district and amend the Comprehensive Plan or obtain an approved Lot Size Variance, waiving any of the requirements that are not met;

4. That at the time of Minor Plat submittal, legal access be shown for proposed Lot 8R or an approved Subdivision Regulations Variance be obtained, waiving any of the requirements that are not met;
5. That at the time of Minor Plat submittal, the acreage balance of the remaining SE1/4 be included on the plat, per Department of Equalization comments contained in this Staff Report;
6. That at the time of Minor Plat submittal, a subdivision be named per Register of Deeds comments contained in this Staff Report;
7. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
8. 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;
9. 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;
10. That the applicant ensures all natural drainage ways are maintained and not blocked;
11. 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; 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 C. Johnson and seconded by Lasseter to deny without prejudice Layout Plan / LPL 20-43.

All voting, the Motion carried 6 to 1. Commissioner K. Johnson voted no.

11. ORDINANCE AMENDMENT / OA 20-07: Pennington County. To amend Section 200 “Establishment of Zoning Districts and Map Reference” [to amend and supersede the existing Section 200 “Establishment of Zoning Districts and Map Reference”].

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 200 “Establishment of Zoning Districts and Map Reference” [to amend and

supersede the existing Section 200 “Establishment of Zoning Districts and Map Reference”].

Staff recommended approval of Ordinance Amendment / OA 20-07.

Discussion followed.

Commissioner Coleman left the meeting at 3:39 p.m.

Commissioner Coleman returned to the meeting at 3:40 p.m.

Moved by Rossknecht and seconded by Lasseter to approve of Ordinance Amendment / OA 20-07 to amend Section 200 “Establishment of Zoning Districts and Map Reference” [to amend and supersede the existing Section 200 “Establishment of Zoning Districts and Map Reference”].

All voting aye, the Motion carried 7 to 0.

Moved by C. Johnson and seconded by Lasseter to hear Item #12 after Item #13.

All voting aye, the Motion carried 7 to 0.

13. ORDINANCE AMENDMENT / OA 20-09: Pennington County. To amend Section 300 “Supplementary Regulations” to include and reserve Section 321 – for Hard Rock Mining [to amend and supersede the existing Section 300 “Supplementary Regulations”] and to amend Section 204-G “Special Animal Keeping Regulations” and add it as Section 322 [to amend and supersede the existing Section 204-G “Special Animal Keeping Regulations”].

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 300 “Supplementary Regulations” to include and reserve Section 321 for Hard Rock Mining [to amend and supersede the existing Section 300 “Supplementary Regulations”] and to amend Section 204-G “Special Animal Keeping Regulations” and add it as Section 322 [to amend and supersede the existing Section 204-G “Special Animal Keeping Regulations”].

Staff recommended approval of Ordinance Amendment / OA 20-09.

Discussion followed.

Commissioner Runde left the meeting at 4:04 p.m.

Commissioner Runde returned to the meeting at 4:07 p.m.

Commissioner Rossknecht left the meeting at 4:09 p.m.

Commissioner Rossknecht returned to the meeting at 4:10 p.m.

Moved by Rossknecht and seconded by K. Johnson to recommend approval of Ordinance Amendment / OA 20-09 to amend Section 300 “Supplementary Regulations” to include and reserve Section 321 for Hard Rock Mining [to amend

and supersede the existing Section 300 “Supplementary Regulations”] and to amend Section 204-G “Special Animal Keeping Regulations” and add it as Section 322 [to amend and supersede the existing Section 204-G “Special Animal Keeping Regulations”].

All voting aye, the Motion carried 7 to 0.

12. ORDINANCE AMENDMENT / OA 20-08: Pennington County. To amend Section 100 “Statutory Authorization and Jurisdiction” [to amend and supersede the existing Section 100 “Statutory Authorization and Jurisdiction”].

Molitor reviewed the Staff Report indicating this is an Ordinance amendment to amend Section 100 “Statutory Authorization and Jurisdiction” [to amend and supersede the existing Section 100 “Statutory Authorization and Jurisdiction”].

Staff recommended approval of Ordinance Amendment / OA 20-08.

Commissioner Runde left the meeting at 4:20 p.m.

Moved by C. Johnson and seconded by Rossknecht to continue Ordinance Amendment / OA 20-08 to the January 25, 2021, Planning Commission meeting.

Discussion followed.

Motion to continue withdrawn by C. Johnson and Rossknecht.

Discussion further followed.

Moved Rossknecht and seconded by Lasseter to approve of Ordinance Amendment / OA 20-08 to amend Section 100 “Statutory Authorization and Jurisdiction” [to amend and supersede the existing Section 100 “Statutory Authorization and Jurisdiction”].

All voting aye, the Motion carried 6 to 0.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the December 7, 2020, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

16. ITEMS FROM THE STAFF

A. Planning Commission - Travis Lasseter. Molitor and the Planning Commission thanked Commissioner Lasseter for his service on the Planning Commission.

17. ITEMS FROM THE MEMBERSHIP

Commissioner C. Johnson spoke of Definitions in the Zoning Ordinance and upcoming Ordinance Amendments.

18. ADJOURNMENT

Moved by Lasseter and seconded by K. Johnson to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 4:55 p.m.

Rich Marsh, Chairperson