

Planning Conditions of Approval
Commission Meeting Date: March 1, 2022

ITEMS FROM PLANNING & ZONING

- A. **SUBDIVISION REGULATIONS VARIANCE / SV 22-01: ELS Properties, LLC - Rick Schulke; D.C. Scott Surveyors - Agent.** To waive the submittal of percolation tests and soil profile hole information in a Rural Residential District in accordance with Sections 207, 400.2, and 700 of the Pennington County Subdivision Regulations.

MOVED by LaCroix and seconded by LaCroix to approve SV 22-01 with one (1) condition because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: not knowing where the building will be located, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That this Variance to waive percolation tests and soil profile hole information is only for proposed Lots 3A, 3B, 3C, 3D and 3E of Battle Creek Mountain Estates Subdivision and not for any further development, subdivision, or rezoning of this lot.

CONTESTED HEARINGS:

- D. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-02: Nathan and Alexis Sobolewski.** To construct a road within the Section Line Right-of-Way between Sections 28 and 29, T2S, R13E to provide access to property located in Section 21, T2S, R13E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve CS 22-02, which includes constructing the Section Line Right-of-Way to County Ordinance 14 Standards, with nine (9) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if waivers are granted, the applicant follows the improvements approved by the Scenic Township;
3. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;

4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
7. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
9. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

E. **REQUEST TO NOT BUILD TO ORDINANCE 14 ROAD STANDARDS: Nathan and Alexis Sobolewski.**

MOVED by Hadcock and seconded by LaCroix to approve the request to waive the requirements to not submit engineered road construction plan and to waive the requirements to construct a turnaround, 2-foot-deep ditches, less than 6 inches of gravel and a road width of 24 feet. It is further MOVED to approve the road to be built 20' feet wide and with a 4-inch gravel base, with two (2) conditions. Vote: Unanimous.

1. That any future development or access off of this portion of Section Line road or future development or access off of the extended portion of this Section Line Road obtain separate waivers; and,
2. That the applicant at a minimum constructs the Road to the Scenic Township Standards.