

Planning Conditions of Approval

Commission Meeting Date: May 3, 2022

ITEMS FROM PLANNING & ZONING

CONTESTED HEARINGS:

- G. **VACATION OF RIGHT-OF-WAY / VR 22-01: Karen Fonseca.** To vacate 430 feet of public right-of-way on Pretty Flower Lane, adjacent to Lot A of Lot 1 and Lot B of Lot 1 of Battle Creek Mountain Estates in accordance with the Pennington County Zoning Ordinance.

Lot A of Lot 1 and Lot B of Lot 1, Battle Creek Mountain Estates, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve VR 22-01 with three (3) conditions. Vote: Unanimous.

1. That the applicant or agent provide the original Exhibit A to the Planning Department;
2. That the heading for Exhibit A is corrected to read Lots A and B of Lot 1 of Battle Creek Mountain Estates Subdivision; and,
3. That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds.

- H. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-05: Terrance and Mardonna Hulm.** To construct a road within the Section Line Right-of-Way between Sections 10 and 15, T2N, R8E to provide access to property located in Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to approve CS 22-05 with eight (8) conditions. Vote: Unanimous.

1. That all road plans be approved by the Pennington County Highway Department;
2. 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;
3. 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;
4. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;

5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
8. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized

- I. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-06: Caputa Acres, LLC; Milt Gutknecht.** To construct 600 feet of road within the Section Line Right-of-Way between Sections 5 and 6, T1S, R10E to provide access to property located in Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve CS 22-06 with nine (9) conditions. Vote: Unanimous.

1. That the road be constructed to Ordinance #14 Standards or the applicants obtain an approved Subdivision Regulations Variance;
2. That all road plans be approved by the Pennington County Highway Department;
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.

- K. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-07: Trevor and Melinda Oberholtz.** To construct 1,400 feet of road within the Section Line Right-of-Way between Sections 33 and 34, T2N, R11E to provide access to property located in Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve CS 22-07 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 all road plans be approved by the Pennington County Highway Department;
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.