

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**August 10, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, Lori Litzen, Jim Coleman, Bill McCollam, Barbara Landers, and Nancy Trautman.

STAFF PRESENT: Cassie Bolstad, Kelsey Rausch, Brittney Molitor, Kinsley Groote, (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 27, 2015, MINUTES  
**Moved by Zvejnieks and seconded by McCollam to approve the minutes of the July 27, 2015, Planning Commission Meeting. Vote: unanimous (7 to 0).**

2. APPROVAL OF THE AGENDA  
**Moved by McCollam and seconded by Zvejnieks to approve the Agenda of the August 10, 2015, Planning Commission Meeting. Vote: unanimous (7 to 0).**

**Moved by Litzen and seconded by Zvejnieks to approve the Consent Calendar of the August 10, 2015, Planning Commission Meeting, with the removal of Items #5, #6, and #8. Vote: unanimous (7 to 0).**

**CONSENT CALENDAR**

The following items have been placed on the Consent Calendar 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 Calendar, 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 08-45:** Elaine Andersen; Stephanie Andersen – Agent. To review a single-wide mobile home to be used as a temporary residence while constructing a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Tract Olson Parcel #3, Section 11, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the June 22, 2015, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 08-45 to the October 12, 2015, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

- 4. CONDITIONAL USE PERMIT / CU 15-14: Darrell and Mary Harkin. To allow a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.**

The NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 15-14 with the following eight (8) conditions:**

- 1. That an approved Building Permit be obtained for the single-wide mobile home prior to placement or construction of the residence, 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 an address be assigned for the single-wide mobile home and that it be posted both on the individual structure and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;**
- 4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
- 5. That the subject property remains free of debris and junk vehicles;**
- 6. 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;**
- 7. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-14, which is available at the Planning Office; and,**
- 8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous (7 to 0).**

7. **CONSTRUCTION PERMIT / CP 15-11:** Pennington County Highway Department. To improve and realign 2,500 feet of Cheney Road, which is located about 25 miles north of Wall.

SE1/4 of Section 29, S1/2 of Section 28, NE1/4 of Section 32, and NW1/4 of Section 33, all located in T5N, R15E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CU 15-11 with the following ten (10) conditions:**

1. **That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
2. **That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
3. **That if the applicant provides self-contained toilets on-site, that there is one (1) unit per 50 employees and they must meet all State and County regulations, including setbacks;**
4. **That the contractor make efforts to protect the irrigation channel and work around irrigation season, if possible;**
5. **That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;**
6. **That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
7. **That any monuments establishing property boundaries be replaced as necessary;**
8. **That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;**
9. **That the disturbed areas be re-vegetated as required in Section 507-A(5)(c); and,**
10. **That this Construction Permit expires one (1) year from approval date, and may 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).**

**END OF CONSENT CALENDAR**

5. CONDITIONAL USE PERMIT / CU 15-15: Gerald Meredith. To allow for a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 3 of SE1/4NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Zvejnieks asked to have this item removed from the Consent Calendar.

Bolstad reviewed the Staff Report indicating the applicant has applied for a caretaker's residence on the subject property.

Staff recommended approval of Conditional Use Permit #15-15 with the following seven (7) conditions:

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted in accordance with Ordinance #20 on each residence and so that they are visible from School Drive;
2. That an updated Doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dawn Clarkson;
3. That prior to issuance of a Building Permit for the caretaker's residence, a site plan is submitted showing the caretaker's residence maintains the setback requirements or an approved Setback Variance is obtained;
4. 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;
5. That all future structures meet the minimum required setbacks for a Suburban Residential District or an approved Setback Variance be obtained prior to Building Permit approval;

6. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-15, which is available at the Planning Office; and,
7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Landers and seconded by Zvejnieks to hear this item after Item #9.**

**All voting aye, the Motion carried 7 to 0.**

6. CONDITIONAL USE PERMIT / CU 15-16: Nick Hobart. To allow for a guest house on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

Commissioner Landers asked to have this item removed from the Consent Calendar.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a Guest House on the subject property.

Staff recommended approval of Conditional Use Permit #15-16 with the following six (6) conditions:

1. That the lot address assigned for the Guest House be posted so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;
2. That the applicant file a deed restriction at the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Section 318-B-13 of the Zoning Ordinance;
3. That the Guest House be utilized and maintained in accordance with the requirements of Section 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;
4. That the existing On-Site Wastewater Treatment System be pumped and inspected and refilled with water to check the integrity of the tank and obtain an Operating Permit prior to a Building Permit being issued;

5. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-16, which is available at the Planning Office; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Landers and seconded by Litzen to continue Conditional Use Permit / CU 15-16 to the August 24, 2015, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

8. CONSTRUCTION PERMIT / CP 15-12: Mitch Morris. To strip top soil and perform minor grading and leveling in order to place recycled asphalt for a parking or storage area and also stockpile recycled asphalt material to be used as a base for the parking lot.

W1/2 of Section 33, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Hall asked to have this item removed from the Consent Calendar.

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to strip top soil and perform minor grading and leveling in order to place recycled asphalt for a parking or storage area and also stockpile recycled asphalt material to be used as a base for the parking lot.

Staff recommended approval of Construction Permit / CP 15-12 with the following fourteen (14) conditions:

1. That a Notice of Intent (NOI) be submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities within seven (7) days of approval of this Permit;
2. That the Conditions of Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That a revised Construction Permit application and Site Plan be submitted for review and approval, if major revisions to the original plan are needed;

5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. That any monuments establishing property boundaries be replaced as necessary;
7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
8. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
10. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
11. That if Rezone request, RZ 15-08, is approved, the applicant will have 30 days to remove the stockpiled material from the site;
12. That approval of this Construction Permit does not constitute approval of any future applications or meets conditions of any future requests submitted for the above-described property;
13. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval, which is available at the Planning Office; and,
14. That this Construction Permits expires one (1) year from the approval date and may be reviewed 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.

Discussion followed.

**Moved by Litzen and seconded by McCollam to approve of Construction Permit / CP 15-12 with the following fourteen (14) conditions:**

- 1. That a Notice of Intent (NOI) be submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities within seven (7) days of approval of this Permit;**

2. That the Conditions of Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That a revised Construction Permit application and Site Plan be submitted for review and approval, if major revisions to the original plan are needed;
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. That any monuments establishing property boundaries be replaced as necessary;
7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
8. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
10. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
11. That if Rezone request, RZ 15-08, is approved, the applicant will have 30 days to remove the stockpiled material from the site;
12. That approval of this Construction Permit does not constitute approval of any future applications or meets conditions of any future requests submitted for the above-described property;
13. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval, which is available at the Planning Office; and,
14. That this Construction Permits expires one (1) year from the approval date and may be reviewed 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.**

9. MINOR PLAT / PL 15-15: Tipton Properties. To create Lot 1 of Tipton Properties Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: W1/2 less Sunset Ranch and less Right-of-Way, Section 33, T2N, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Tipton Properties Subdivision, Section 33, T2N, R10E, BHM, and Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lot 1 of Tipton Properties Subdivision.

Staff recommended approval of Minor Plat / PL 15-15 with the following six (6) conditions:

1. That prior to the plat being filed with the Register of Deeds, a document dedicating additional Common Area for Planned Unit Development 08-10 be filed at Register of Deeds or a Major PUD Amendment is applied for and approved amending the Common Area acreage requirement of the Planned Unit Development;
2. That prior to the plat being filed with the Register of Deeds, the word “zonig” within the Certificate of Owners section be corrected to state “zoning”; and the use of “Jr.” to the first part of the certificate is to be added, to match the acknowledgment;
3. That prior to the plat being filed with the Register of Deeds, the Certificate of Planning Director be removed from the Minor Plat;
4. That prior to the plat being filed with the Register of Deeds, a Noxious Weed Management Plan must be signed by the applicant and submitted to the Planning Department;
5. That an approved Approach Permit be obtained from the Homeowner’s Association of the Planned Unit Development or County Highway Department prior to the construction of a new approach providing access to the proposed lot; and,

6. That prior to the plat being filed with the Register of Deeds office, the applicants sign the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-15, which is available at the Planning Office.

Discussion followed.

**Moved by Landers and seconded by McCollam to approve of Minor Plat / PL 15-15 with the following six (6) conditions:**

1. That prior to the plat being filed with the Register of Deeds, a document dedicating additional Common Area for Planned Unit Development 08-10 be filed at Register of Deeds or a Major PUD Amendment is applied for and approved amending the Common Area acreage requirement of the Planned Unit Development;
2. That prior to the plat being filed with the Register of Deeds, the word “zonig” within the Certificate of Owners section be corrected to state “zoning”; and the use of “Jr.” to the first part of the certificate is to be added, to match the acknowledgment;
3. That prior to the plat being filed with the Register of Deeds, the Certificate of Planning Director be removed from the Minor Plat;
4. That prior to the plat being filed with the Register of Deeds, a Noxious Weed Management Plan must be signed by the applicant and submitted to the Planning Department;
5. That an approved Approach Permit be obtained from the Homeowner’s Association of the Planned Unit Development or County Highway Department prior to the construction of a new approach providing access to the proposed lot; and,
6. That prior to the plat being filed with the Register of Deeds office, the applicants sign the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-15, which is available at the Planning Office.

**All voting aye, the Motion carried 7 to 0.**

5. CONDITIONAL USE PERMIT / CU 15-15: Gerald Meredith. To allow for a caretaker’s residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 3 of SE1/4NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Discussion continued on this item.

**Moved by Zvejnieks and seconded by Litzen to approve of Conditional Use Permit 15-15 with the following seven (7) conditions:**

- 1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted in accordance with Ordinance #20 on each residence and so that they are visible from School Drive;**
- 2. That an updated Doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dawn Clarkson;**
- 3. That prior to issuance of a Building Permit for the caretaker's residence, a site plan is submitted showing the caretaker's residence maintains the setback requirements or an approved Setback Variance is obtained;**
- 4. 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;**
- 5. That all future structures meet the minimum required setbacks for a Suburban Residential District or an approved Setback Variance be obtained prior to Building Permit approval;**
- 6. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-15, which is available at the Planning Office; and,**
- 7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 7 to 0.**

10. PENNINGTON COUNTY COMPREHENSIVE PLAN

Discussion to form a committee and present the findings to the Board of Commissioners.

11. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 27, 2015, Planning Commission meeting with the exception of Minor Plat / Pl 15-16 (Chelsea "Chuck" and Donna Ferguson) to create Lot 3 of Rushmore Cave Subdivision. This item was approved with eight (8) conditions.

12. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

13. ITEMS FROM THE STAFF

- A. Building Permit Report. Bolstad reviewed the July 2015 Building Permit Report.
- B. SD Planner's Association Annual Conference. Bolstad informed the Planning Commission that the 2015 SD Planner's Conference will be held October 28<sup>th</sup> and October 29<sup>th</sup> in Mitchell, SD.

14. ITEMS FROM THE MEMBERSHIP

Commissioner Litzen will be unavailable for the September 24<sup>th</sup> Planning Commission meeting.

15. ADJOURNMENT

**Moved by Litzen and seconded by Zvejnieks to adjourn.**

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 9:57 a.m.**

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Karen Hall, Chairperson