

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
September 10, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Rich Marsh, Jim Coleman, Sonny Rivers, and Sandra Runde.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, and Michael Hoffmann (SAO).

ROLL CALL

1. APPROVAL OF THE AUGUST 27, 2018, MINUTES
Moved by Runde and seconded by Marsh to approve the Minutes of the August 27, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Marsh to approve the Agenda of the September 10, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Marsh and seconded by Rivers to approve the Consent Calendar of the September 10, 2018, Planning Commission meeting, with the removal of Items #14 #15, #17, #18, and #22. Vote: unanimous 6 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 81-22:** Wynia Family Trust. To review caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 204-D, 208 and 510 of the Pennington County Zoning Ordinance.

Lot 47, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 81-22 with the owner's concurrence.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 90-48:** Katrena Roseland. To review a mobile home as a caretaker's residence in a Suburban Residential District in accordance with Section 204-D and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 90-48, with the applicant's concurrence, as it is no longer needed.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 99-37:** Bob Young. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the August 13, 2018, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 99-37 to the October 8, 2018, Planning Commission meeting with the following two (2) conditions:

1. **That the applicant provide Staff with the necessary information regarding the above list in § 3(D) prior to October 1, 2018 or Notices of Violation will be sent to the owner; and,**
2. **If additional continuations of CU 99-37 are necessitated by the applicant, each continuation will be subject to Section 511(X).**

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 02-57:** North Haines Volunteer Fire Department. To review a Conditional Use Permit to add two (2) additional garage bays to an existing fire station to allow for an addition onto the existing fire station in a General Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, North Haines Subdivision, Section 18, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 02-57 with the following six (6) conditions:

1. **That a minimum of ten (10) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and the off-street parking spaces shall be maintained in a dust free manner;**

2. That all lighting located on the outside of the building be directed towards the ground;
3. That prior to any expansion to the fire station or addition of any buildings, the applicant be required to have the Conditional Use Permit reviewed with notification to surrounding property owners;
4. That personal vehicles not be stored, maintained or repaired on the property and that all non-fire related overnight stays be prohibited;
5. That all official vehicles will be stored inside the structure with the exception of training exercises, routine maintenance and cleaning; and,
6. That this Planned Unit Development be reviewed in two (2) years, 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.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 04-35:** Chris Peterson. To review an existing Conditional Use Permit to allow for 13 storage units in lieu of the approved 10 storage units and to allow them to be larger than the approved 30 foot x 150 foot, to allow a single-family residence to be used as the caretaker's residence for the storage units; and to allow an office/shop building in a General Commercial District in accordance with Sections 209-C and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit Amendment / CU 04-35 with the following fifteen (15) conditions:

1. That setbacks be in accordance with Section 209 of the Pennington County Zoning Ordinance or approved Variance(s) be obtained
2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with Section 510 of the Pennington County Zoning Ordinance;
3. 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 and additional Staff as deemed necessary by the Planning Director and the Building Permit shall be forwarded to the County Fire Administrator for review;

4. That a minimum of eight (8) parking spaces continue to be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That ten (10) storage units (each not to exceed 7,500-square feet in area), an office/shop building, and a single-family residence to be used as a caretaker's residence by a caretaker who is directly engaged in the day-today operation of the storage unit business, continue to be allowed on the subject property with approved Building Permits. Additional non-storage unit structures may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;
6. That the addition of more storage units may be allowed after the initial ten (10) storage units, from Condition #5, are completed and only after review and approval of an amended CU 04-35 for the additional units and approval by the Planning Director of any additional necessary Permits. Each additional storage unit shall not exceed 7,500-square feet in area and the total number of storage units on the subject property shall not exceed thirteen (13);
7. That the addresses for the office/shop building and the caretaker's residence continue to be posted and clearly visible and maintained in accordance with Pennington County Ordinance #20;
8. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light away from all adjoining residences and residential lots;
9. That no more than one (1) on-premise sign shall be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance, with an approved Sign Permit;
10. That the hours of operation for the storage units continue to be from 6:00 a.m. to 10:00 p.m. and a sign continues to be posted indicating after hours contact with the owner's phone number, which must be clearly visible at the entrance of the lot;
11. That the applicant continues to ensure that all natural drainage ways must be maintained and are not blocked;
12. That any work encompassing over one (1) acre continues to require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
13. That the subject property remains free of debris and junk vehicles;

14. That the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 09-34:** Lance and Daina Verhulst. To review a Fifth Wheel Camper to be parked on a vacant lot and utilized during the summer months in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 4, Bear Mountain Ranch Subdivision, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 09-34 to the October 8, 2018, Planning Commission meeting to allow staff time to contact the new owners.

Vote: unanimous 6 to 0.

9. **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 June 25, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 16-33 with the following nine (9) 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 continue 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&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;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-33, which is available at the Planning Office; and,
9. 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.

Vote: unanimous 6 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-33:** Bituminous Paving/Terry Sewell. To allow a temporary hot mix asphalt batch plant / stockpile site and contractor's storage area for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of W1/2SE1/4 and that PT of SE1/4SE1/4 located E of Highway 385 less Forest View Subdivision less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the August 13, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 17-33 with the following eleven (11) conditions:

1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;

2. That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
3. All access to the worksite be via the existing private approach and that the second approach be removed and reclaimed to the original condition;
4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
6. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
9. That prior to operation of the stockpile and portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;
10. That the applicant obtain a Floodplain Development Permit prior to any work being performed and/or structures placed within the 100-year floodplain boundaries; and,
11. That this Conditional Use Permit be reviewed on November 13, 2018, 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 6 to 0.

- 11. PLANNED UNIT DEVELOPMENT REVIEW / PU 09-02:** Salvation Army. To review the Salvation Army Camp Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development / PU 09-02 with the following twenty-one (21) conditions:

- 1. That the minimum setbacks from property lines continue to be twenty-five (25) feet from all property lines and fifty-eight (58) feet from Section Lines;**
- 2. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;**
- 3. That a minimum of one 36-unit first aid kit be continually provided and accessible to the public at all times. First aid kit needs to be inspected monthly with consumables and dated items replaced as needed. Appropriate records are to be maintained;**
- 4. That the internal driveway continue to be a minimum of a 24-foot-wide driving surface and maintained in a dust free manner;**
- 5. That the uses for this Planned Unit Development shall continually be limited to the existing uses already on the property, which include a bunkhouse with a capacity of 15 people, a picnic shelter, two (2) restrooms (male and female) with showers and toilets, a church shelter, a fire pit with seating, an officer's residence, two (2) wells and drainfields, and the expansion to include a pastor's prayer retreat cabin, a meeting/dining/safety hall, six (6) deck platforms, five (5) cabins, and five (5) RV sites;**
- 6. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, an approved Floodplain Development Permit be obtained;**
- 7. 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;**
- 8. That any new On-Site Wastewater Treatment System be designed by an engineer and that all the supporting percolation tests and soil profile information be stamped by the engineer and obtain approval from the South Dakota Department of Environment and Natural Resources;**

9. That the applicant ensures the rustic character of the property is continually maintained;
10. That no open fire shall be permitted, unless approved and granted a permit by the South Dakota Division of Wildland Fire. Copies of the permit shall be available for inspection during normal business hours or anytime the Camp Fire Permit is in use by the Johnson Siding Fire Chief and or his designated representative;
11. That barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property. The Fire Chief shall approve the facilities before the use is permitted. Copies of the respective permit shall be available for inspection during normal business hours or anytime the permitted item is in use by the Johnson Siding Fire Chief or his designated representative;
12. That any parking areas be maintained in a dust free manner;
13. That each sleeping room have a smoke/heat detector and a carbon monoxide detector;
14. That a portable fire extinguisher with a minimum 2 A-BC rating shall continually be placed in each structure and shall be inspected and tagged annually, records of said inspection shall be maintained and available for inspection during normal business hours by the Johnson Siding Fire Chief and or his designated represented;
15. That each floor, where occupants are sleeping, shall continually have two (2) means of escape;
16. That the applicant continues to work with the Pennington County Fire Administrator in regards to evacuation, mitigation, building construction, water supplies, safety drills, emergency alerting systems and other safety issues and updates the evacuation plan yearly;
17. Develop, execute and maintain a Hazardous Fuels Mitigation plan in conjunction with the South Dakota Division of Wildland Fire;
18. That the camp continually be limited to a maximum of one hundred (100) overnight total campers at one time;
19. That the new cabins be limited to one (1) story;
20. That all structures continue to be forty-five (45) feet from the west ridgeline; and,

21. That this Planned Unit Development 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.

Vote: unanimous 6 to 0.

12. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-01:** Karen Moore. To review the existing Planned Unit Development to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

Parcel A, B, and C, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the August 13, 2018, Planning Commission meeting.)

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 17-01 with the following forty-two (42) conditions:

1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;
2. That the number of guests be limited to 25 people;
3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
4. That prior to operation of the Specialty / Recreational Resort, the applicant submits a Parking Plan to the Planning Department for review to ensure its compliance with the Minimum Off-Street Parking requirements as outlined in Section 310 of the Pennington County Zoning Ordinance;
5. That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;
6. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
7. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;

8. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the existing means of wastewater disposal servicing the residence prior to operation of the Bed and Breakfast;
10. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
11. That Parcel B include a new request for five (5) RV sites;
12. That a minimum 10 foot separation be maintained at all times between each RV site;
13. That each RV site has a lot number clearly posted;
14. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
16. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
17. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1) bathhouse and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;
18. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
19. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or

asphalt and maintained in such a manner that no dust will result from continuous use;

20. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
21. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
22. That, for Parcel C, the private well located on the property serve as the water source to the property;
23. 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;
24. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
25. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
26. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
27. That no future drainfield be located within the areas designated as floodway;
28. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
29. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;

30. That the address assigned to each property be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
31. That the physical address for the residence be posted in each guest room utilized for the Guest House / Bed and Breakfast;
32. That a guest list is maintained and smoke detectors placed in each sleeping room;
33. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
34. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
35. Quiet hours shall be from 10 p.m. until 7 a.m.;
36. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace or the burning of any flammable material. All authorized open fires shall be extinguished by 10 p.m.;
37. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;
38. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
39. That the subject property remains free of debris and junk vehicles;
40. That all single-family residences must meet the standards for stick-built as outlined in Section 204;
41. That a Building Permit is obtained for the 14' x 30' (approximate) shed; and,
42. That this Planned Unit Development 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.

Vote: unanimous 6 to 0.

13. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-05:** Tanner Colburn. To amend the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

To approve of the extension of Minor Planned Unit Development Amendment / PU 17-05 with the following twenty-two (22) conditions:

1. **The density of the Planned Unit Development shall not exceed 148 residential lots;**
2. **That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;**
3. **That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;**
4. **That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;**
5. **That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;**
6. **The minimum lot size for the development shall five (5) acres;**
7. **That a minimum of eighty (80) acres is maintained as Common area;**
8. **The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;**
9. **All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;**
10. **The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;**
11. **That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will**

expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;

12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;
13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;
14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;
15. That 229th Street is maintained according to Ordinance 14 Standards;
16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;
17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
18. That the setbacks for Lot 4, Block 4 of Sunset Ranch be twenty-five (25) feet for the front, rear and east property boundaries and twelve (12) feet for the west property boundary;
19. That a Homeowner's Association be created for the maintenance of the road, community water system, and all use within the common areas;
20. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;
21. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property; and,
22. That this Minor Planned Unit Development Amendment 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 ensure that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

16. **CONSTRUCTION PERMIT REVIEW / CP 17-03:** Mitch Morris. To review the grading of the site and use as a storage area to stockpile soil and concrete debris.

Lot 1 of SW1/4NE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Construction Permit / CP 17-03 to the October 8, 2018, Planning Commission meeting to allow the applicant time to install perimeter barrier protections.

Vote: unanimous 6 to 0.

19. **CONDITIONAL USE PERMIT / CU 18-31:** A&O Enterprises; David Finneman. To allow an existing Recreational Vehicle to be used as temporary living quarters to allow the applicant time to place a governor's home on the property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NW1/4, S1/2 less ROW, Section 20, T2N, R17E, BHM, Pennington County, South Dakota.

(Continued from the August 27, 2018, Planning Commission meeting.)

To continue Conditional Use Permit / CU 18-31 to the September 24, 2018, Planning Commission meeting.

Vote: unanimous 6 to 0.

20. **LAYOUT PLAT / PL 18-07:** Kenneth Smith. To reconfigure lots lines to create Lot AR, Lot C, and Lot D of Block 2 in the Original Townsite of Caputa in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1-3; Lot A (replat of Lot 4-8 of Block 2); Lot 9-12; and Lot 1-3 RTY all located in Block 2, Original Townsite of Caputa, Section 9, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot AR; Lot C; and Lot D all located in Block 2, Original Townsite of Caputa, Section 9, T1S, R9E, BHM, Pennington County, South Dakota.

(Continued from the June 11, 2018, Planning Commission meeting.)

To recommend denial without prejudice of Layout Plat / PL 18-07.

Vote: unanimous 6 to 0.

21. **LAYOUT PLAT / PL 18-25:** Lynn Schell. To create Cemetery Tract of Jones Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4 less 9.93 acres in Se1/4 and less Jones Ranch, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Cemetery Tract of Jones Ranch Subdivision, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of Layout Plat / PL 18-25 with the following twelve (12) conditions:

1. **That prior to filing the Plat with the Register of Deeds, the proposed lot obtain an approved Lot Size Variance or be Rezoned appropriately;**
2. **That an approved Approach Permit be obtained from the County Highway Department for access into the proposed cemetery;**
3. **That at the time of new Plat submittal, the cemetery be called: Jones Ranch Cemetery or Jones Family Cemetery, not a cemetery tract located in a subdivision, per Register of Deeds comments;**
4. **That the proposed cemetery conform with all regulations of Pennington County Zoning Ordinance and South Dakota Codified Law 34-27, which regulates cemeteries and burial records;**
5. **That at the time of new 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;**
6. **That at the time of new Plat submittal, the plat meets all requirements of § 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 the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;**
8. **That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
9. **That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**

10. That prior to filing the Plat with the Register of Deeds, the applicant apply for a Conditional Use Permit for the cemetery;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-25, which is available at the Planning Office; and,
12. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

14. CONSTRUCTION PERMIT REVIEW / CP 08-06: Pete Lien & Sons. To review the mining of 501 acres of limestone and disposal of clean concrete construction debris for reclamation in General Agriculture and Limited Agriculture Districts.

E1/2NE1/4, E1/2SE1/4, & NW1/4SE1/4, all of Section 19, T2N, R7E; W1/2NW1/4, E1/2NW1/4, E1/2SW1/4, NW1/4SW1/4, and Tract A of Kidner Subdivision, all of Section 20, T2N, R7E; all of BHM, Pennington County, South Dakota.

(Continued from the April 23, 2018, Planning Commission meeting.)

Commissioner Marsh asked to have this Item removed from the Consent Agenda in order to abstain from the vote.

Staff recommended approval of the extension of Construction Permit / CP 08-06 with twelve (12) conditions.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of the extension of Construction Permit / CP 08-06 with the following twelve (12) conditions:

1. That the applicant continues to maintain and update their Storm Water Construction Permit as disturbance activity changes on-site;
2. That erosion control measures continues to be implemented to prevent silt from leaving the applicant's property, erosion control measures be maintained on the area of the proposed driveway construction and the erosion control measures meet DENR requirements;

3. That the property be inspected by the owner of the property and/or contractor weekly during period of disturbance, within 24 hours following storm events of at least 0.5" or a snowmelt event that causes surface erosion; and, following completion of Final Stabilization and/or remediation
4. That if any work is done is within the extents of the 100-year floodplain, approval of a Floodplain Development Permit be obtained;
5. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
6. That prior to start of any surface disturbance, any required permits from the Rapid City Growth Management Department be obtained;
7. That the applicant use existing approaches to the site;
8. That the rubble be limited to clean concrete debris, unless approval from the South Dakota Department Environment and Natural Resources is obtained and a copy of the document is provided to the Pennington County Planning and Zoning Department;
9. That the applicant continually maintain all required permits allowing for the use of clean fill and rubble with the South Dakota Department of Environment and Natural Resources;
10. That a Haul Road Agreement be obtained to haul material across County Roads;
11. That the Section Line Rights-of-Ways, between Sections 17, 18, 19 and 20 remain closed until such time the area within the Section Line Right-of-Ways are reclaimed and free of hazardous and/or dangerous conditions; and,
12. That this Mining Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners.

All voting, the Motion carried 5 to 0. Commissioner Marsh abstained from voting.

15. CONSTRUCTION PERMIT REVIEW / CP 08-07: Pete Lien & Sons. To review the mining of 40 acres of limestone and disposal of clean concrete construction debris for reclamation in a General Agriculture District.

Government Lot 1, Section 19, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the April 23, 2018, Planning Commission meeting.)

Commissioner Marsh asked to have this Item removed from the Consent Agenda in order to abstain from the vote.

Staff recommended approval of the extension of Construction Permit / CP 08-07 with twelve (12) conditions.

Discussion followed.

Moved by Coleman and seconded by Rivers to approve of the extension of Construction Permit / CP 08-07 with the following twelve (12) conditions:

- 1. That the applicant obtain a Storm Water Construction Permit for disturbing more than one (1) acre of soil from the Department of Environment and Natural Resources prior to the start of construction;**
- 2. That erosion control measures be implemented to prevent silt from leaving the applicant's property, erosion control measures be maintained on the area of the proposed driveway construction and the erosion control measures meet DENR requirements;**
- 3. That the property be inspected by the owner of the property and/or contractor weekly during period of disturbance, within 24 hours following storm events of at least 0.5" or a snowmelt event that causes surface erosion; and, following completion of Final Stabilization and/or remediation;**
- 4. That if any work is done is within the extents of the 100-year floodplain, approval of a Floodplain Development Permit be obtained;**
- 5. That any natural drainage ways and paths be continually maintained and culverts added, as necessary, in accordance with Pennington County Ordinance #14;**
- 6. That prior to start of any surface disturbance, any required permits from the Rapid City Growth Management Department be obtained;**
- 7. That the applicant will use existing approaches to the site;**
- 8. That the rubble be limited to clean concrete debris, unless approval from the South Dakota Department Environment and Natural Resources is obtained and a copy of the document is provided to the Pennington County Planning and Zoning Department;**
- 9. That the applicant continually maintain all required permits allowing for the use of clean fill and rubble with the South Dakota Department of Environment and Natural Resources;**
- 10. That a Haul Road Agreement be obtained to haul material across County Roads;**

11. **That the Section Line Rights-of-Ways, between Sections 17, 18, 19 and 20 remain closed until such time the area within the Section Line Right-of-Ways are reclaimed and free of hazardous and/or dangerous conditions; and,**
12. **That this Mining Permit be reviewed in five (5) years on a complaint basis, or as directed by the Planning Commission or Board of Commissioners.**

All voting, the Motion carried 5 to 0. Commissioner Marsh abstained from voting.

17. CONSTRUCTION PERMIT / CP 18-09: Don and Karen Weber. To place fill and level an area for an existing project.

Lot 2, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Construction Permit / CP 18-09 with seven (7) conditions.

Discussion followed.

Moved by Marsh and seconded by Johnson to approve of Construction Permit / CP 18-09 with the following seven (7) conditions, with a correction to the Construction Permit number in the Planning Commission agenda:

1. **That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained, if the disturbance exceeds one (1) acre and 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, if applicable;**
3. **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;**
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 the disturbed areas be re-vegetated with weed free seed as required in PCZO §507(A)(5)(c);**
6. **That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,**
7. **That this Construction Permit be reviewed in one (1) year from approval date, 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 aye, the Motion carried 6 to 0.

18. CONDITIONAL USE PERMIT / CU 18-25: Scott Widvey. To allow for a single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 1, Rohrer Subdivision, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the August 27, 2018, Planning Commission meeting.)

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

Staff recommended denial of Conditional Use Permit / CU 18-25.

Discussion followed.

Moved Marsh and seconded by Runde to deny Conditional Use Permit / CU 18-25.

All voting aye, the Motion carried 6 to 0.

22. MINOR PLAT / PL 18-24: Jeffery Reed. To create Lots 3A and 3B of Snyder Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3, Snyder Subdivision, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3A and Lot 3B, Snyder Subdivision, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Minor Plat / PL 18-24 with eleven (11) conditions.

Discussion followed.

Moved by Marsh and seconded by Johnson to recommend approval of Minor Plat / PL 18-24 with the following eleven (11) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. That prior to filing the Plat with the Register of Deeds, the Surveyor's Note #1 at the bottom of Page 1 be corrected, as it currently states, "A ten foot (8') wide utility and minor drainage easement...";**
- 3. That prior to filing the Plat with the Register of Deeds, an Access Easement for Lot 4 of Snyder Subdivision be dedicated on the Plat where the driveway currently exists or documentation be provided to the Planning Department that an Access Easement has been filed;**
- 4. That prior to filing the Plat with the Register of Deeds, the certificate of the Planning Director be removed;**
- 5. That prior to filing the Plat with the Register of Deeds, the certificate of the County Auditor be corrected in accordance with Subdivision Regulations § 400.3(1)(n)(3a);**
- 6. That at the time of new 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 at the time of new Plat submittal, the plat meets all requirements of § 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;**
- 8. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;**
- 9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 10. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,**
- 11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-24, which is available at the Planning Office.**

All voting aye, the Motion carried 6 to 0.

23. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-06: Catherine Sopinski; Rob Livingston – Agent. To amend an existing Planned Unit Development to allow the single-family residence to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to amend an existing Planned Unit Development to allow a single-family residence to be used as a Vacation Home Rental on the subject property.

Staff was asking for guidance from the Planning Commission regarding how to move forward with Major Planned Unit Development Amendment / PU 18-06, as the requested use of a Vacation Home Rental appears to be in harmony with existing surrounding uses, but does not appear to be in harmony with the intent of the subdivision.

Discussion followed.

Moved by Johnson and seconded by Runde to recommend denial of Major Planned Unit Development Amendment / PU 18-06.

Roll call vote: Rivers – no, Runde – yes, Johnson – yes, Lasseter – no, Coleman – no, Marsh – yes. Motion failed on a 3:3 tie vote.

24. PRELIMINARY PLAT / PL 18-26 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-06: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition and to waive platting requirements in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to create Tract A of Rustlers Ranch Addition and a Subdivision Regulations Variance to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 18-06 to waive improvements to the Section Line Highway and to waive submittal of engineered road construction plans for improvements to the Forest Service easement, and, approval of Preliminary Plat / PL 18-26 with eleven (11) conditions.

Moved by Marsh and seconded by Johnson to recommend approval of Subdivision Regulations Variance / SV 18-06 to waive improvements to the Section Line Highway and to waive submittal of engineered road construction plans for improvements to the Forest Service easement.

All voting aye, the Motion carried 6 to 0.

Moved by Marsh and seconded by Runde to recommend approval of Preliminary Plat / PL 18-26 with the following eleven (11) conditions:

- 1. That prior to submittal of a Final Plat application, the Landowner and/or Agent make the necessary corrections to the Plat, as listed above in Section VI of this Staff Report;**
- 2. That prior to submittal of a Final Plat application, 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 to waive this requirement;**
- 3. That prior to submittal of a Final Plat application, engineered road construction plans be submitted for the required improvements or an approved Subdivision Regulations Variance be obtained to waive this requirement;**
- 4. That prior to submittal of a Final Plat application, that the property is either rezoned to Limited Agriculture District or a Lot Size Variance obtained to allow for a smaller than required lot size in a General Agriculture District, prior to the Plat being filed with the Register of Deeds;**
- 5. That prior to submittal of a Final Plat application, the Certificates be corrected as proposed and in compliance with Subdivision Regulations Section 400.3(n);**
- 6. That prior to submittal of a Final Plat application, the Section Line, located on the south side of the subject property, be improved to County Standards or a Subdivision Regulations Variance be obtained to waive this requirement;**
- 7. That prior to submittal of a Final Plat application, the applicant applies for and obtains approval of any Setback Variances needed for any structures not meeting the minimum set back requirements or move any structures, not meeting the required setbacks, so that they are in compliance;**
- 8. That prior to submittal of a Final Plat application, the Landowner obtains Operating Permits for all existing on-site wastewater treatment systems on the subject properties;**

9. That prior to submittal of a Final Plat application, the structures located within the National Forest Service Road be brought into compliance;
10. That that Landowner signs the Statement of Understanding (SOU) within ten (10) business days of approval of Preliminary Plat / PL 18-26. The SOU will be available at the Planning Department; and
11. That approval of this Preliminary Plat does not constitute approval of any Final Plat.

All voting aye, the Motion carried 6 to 0.

25. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 27, 2018, Planning Commission meeting.

26. ITEMS FROM THE PUBLIC

No motions or actions were taken.

27. ITEMS FROM THE STAFF

- A. 2018 SD Planner's Conference (October 17th - 18th in Huron). Conover reminded the Commission of the SD Planner's Conference in Huron scheduled for October 17th-18th.
- B. On-Site Wastewater Installer Training (October 5th – Rapid City). Conover reminded the Commission of the upcoming Installer's Training, which is scheduled for Friday, October 5th at the Journey Museum. Conover asked the Commissioners to let Brittney know by Friday if they would be in attendance.
- C. Update – Planned Unit Development 16-03 (Dan & Nancy Evangelisto). Conover explained the Evangelisto's Planned Unit Development has to be heard by the Board of Commissioners again at their September 18th meeting, due to a tie vote (2:2) regarding one of the conditions at the last BOC meeting.
- D. Comprehensive Plan – Public Review. Conover explained the Public Review Draft of the Comprehensive Plan is available on the View to 2040 website (www.viewto2040.com) and the Planning Department is working on finalizing business cards that will be handed out to encourage input from the public.

28. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson stated that she will not be in attendance at the September 24th meeting.

29. ADJOURNMENT

Moved by Coleman and seconded by Rivers to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:52 a.m.

Travis Lasseter, Chairperson