

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**January 28, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lassetter, Kathy Johnson, Rich Marsh, Sonny Rivers, Sandra Runde, and Gary Drewes.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Cody Sack, Michaelae Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JANUARY 14, 2019, MINUTES  
**Moved by Johnson and seconded by Marsh to approve the Minutes of the January 14, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Runde and seconded by Rivers to approve the Agenda of the January 28, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Marsh and seconded by Runde to approve the Consent Agenda of the January 28, 2019, Planning Commission meeting. 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 14-33:** Lenora and Larry Ruland. To review a single-wide mobile home to be used as a permanent residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2SE1/4 Less Tract 1 Ruland Ranch Add less Dedicated Right-of-Way, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 14-33 with the following eight (8) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
2. That the lot address be clearly posted, so as to be visible from both directions on 239<sup>th</sup> Street, in accordance with Pennington County's Ordinance #20;
3. That the subject property continue to remain free of debris and junk vehicles;
4. That the mobile home installed on the property continue to have peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance;
7. That the ramp/stairs added by the applicant's in 2015, remain unattached to the SWMH and not anchored to the ground, and if the applicant would like to attach or anchor the ramp/stairs or it is found that the applicant has attached or anchored the ramp/stairs, the applicant obtain a Building Permit, with applicable fees prior to doing so; and,
8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-44:** Jeff Miller. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-44 with the following fifteen (15) conditions:**

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime

occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319(F)(13);

2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department each year the Vacation Home Rental is in operation;
5. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (23826 Highway 385) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental continues to be operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from LeeAnn Jensen, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail as stated by requirement §319 (F)(5);

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. 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;
13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319(C)(b) or Conditional Use Permit / CU 17-44 will end at the time of the sale; and,
15. 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.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-50:** Benjamin Shilling. To review a gunsmithing business on the subject property in a Limited Agriculture District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Hidden Springs Ranchettes #2, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 17-50 to the February 25, 2019, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

**END OF CONSENT AGENDA**

6. **REZONE / RZ 18-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-11:** Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent. To rezone 19.419 acres from General Agriculture District to General Commercial District, for proposed Lot 1, and to rezone 1.953 acres from General Agriculture District to General Commercial

District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to General Commercial District in accordance with Sections 205, 207, 209, and 508 of the Pennington County Zoning Ordinance.

Proposed Lot 1: Commencing at the Section ¼ Corner common to Sections 13 and 14, T1S, R6E, BHM, common to the northeasterly corner of Lot 13 of Stratmeyer Addition, and common to the southwesterly corner of Lot 4 Revised of Stratmeyer Addition, and the point of beginning; Thence, first course: N 89°28'35" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 4 Revised, a distance of 788.89', to the southeasterly corner of said Lot 4 Revised, common to the southwesterly corner of Lot 9 of Stratmeyer Addition; Thence, second course: N 89°16'43" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 9, a distance of 150.29', to the southeasterly corner of said Lot 9, common to the southwesterly corner of Lot 5 of Stratmeyer Addition; Thence, third course: N 89°27'28" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 5, a distance of 378.55', to the southeasterly corner of said Lot 5, common to a point on the Section 1/16<sup>th</sup> Line, common to a point on the westerly boundary of Lot 1 of BTP Subdivision; Thence, fourth course: S 00°05'41" E, along the said Section 1/16<sup>th</sup> line, common to the westerly boundary of said Lot 1, a distance of 107.12, to the southwesterly corner of said Lot 1, common to a point on the northerly edge of US Highway 16 right-of-way; Thence, fifth course: S 40°55'54" W, along the northerly edge of said right-of-way, a distance of 176.94'; Thence, sixth course: N 49°04'06" W a distance of 57.00'; Thence, seventh course: S 40°55'54" W a distance of 252.61'; Thence, eighth course: S 47°32'31" W a distance of 471.73'; Thence, ninth course: S 58°43'08" W a distance of 359.10'; Thence, tenth course: S 62°31'10" W a distance of 383.76', to a point on the section line common to said Sections 13 and 14, common to a point on the easterly boundary of Tract A Revised of Hull Subdivision; Thence eleventh course: N 00°07'28" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Tract A Revised, a distance of 402.40, to the northeasterly corner of said Tract A Revised; Thence twelfth course: N 00°01'51" W, along the section line common to said Sections 13 and 14, a distance of 150.60', to the southeasterly corner of said Lot 13; Thence thirteenth course: N 00°08'21" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Lot 13, distance of 510.62', to the said point of beginning. Said Parcel contains 19.419 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Proposed Lot 2: Commencing at the southwesterly corner of Tract A Revised of Hull Subdivision, common to a point on the section line common to Sections 13 and 14, T1S, R6E, BHM, and the point of beginning; Thence, first course: N 00°07'28" E, along easterly boundary of said Tract A Revised, common to said section line, a distance of 64.32'; Thence, second course: N 62°31'10" E a distance of 383.76'; Thence, third course: N 58°43'08" E a distance of 359.10'; Thence, fourth course: N 47°32'31" E a distance of 471.73'; Thence, fifth course: N 40°55'54" E a distance of 252.61'; Thence, sixth course: S 49°04'06" E a distance of 57.00', to a point on the northerly edge of US Highway 16 right-of-way; Thence, seventh course: S 40°55'54" W, along the northerly

edge of said right-of-way, a distance of 255.91'; Thence, eighth course: S 47°32'31" W, along the northerly edge of said right-of-way, a distance of 480.60'; Thence, ninth course: S 58°43'08" W, along the northerly edge of said right-of-way, a distance of 366.57'; Thence, tenth course: S 62°31'10" W, along the northerly edge of said right-of way, a distance of 415.46', to the said point of beginning. Said Parcel contains 1.953 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 19.419 acres from General Agriculture District to General Commercial District, for proposed Lot 1, and to rezone 1.953 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to General Commercial District.

Staff recommended approval of Rezone / RZ 18-12 and Comprehensive Plan Amendment / CA 18-11.

Discussion followed.

Commissioner Drewes left the meeting at 9:28 a.m.  
Commissioner Drewes returned to the meeting at 9:31 a.m.

Moved by Runde and seconded by Marsh to deny Rezone / RZ 18-12 and Comprehensive Plan Amendment / CA 18-11.

**SUBSTITUTE MOTION: Moved by Drewes and seconded by Rivers to deny without prejudice Rezone / RZ 18-12 and Comprehensive Plan Amendment / CA 18-11.**

**All voting aye, the Motion carried 6 to 0.**

7. CONSTRUCTION PERMIT / CP 18-10: Cross Country Real Estate. To grade in order to flatten the area to receive 4" gravel for a new parking lot.

Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E of HWY ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to grade and level an area for a parking lot.

Staff is requesting direction from the Planning Commission on how to proceed with this request since there are existing violations on the subject property, drainage concerns, and the use on the subject property is no longer legal non-conforming.

Commissioner Drewes left the meeting at 10:22 a.m.

Discussion followed.

Commissioner Drewes returned to the meeting at 10:25 a.m.

Discussion continued.

Moved by Drewes and seconded by Runde to continue Construction Permit / CP 18-10 to the February 11, 2019, Planning Commission meeting in order for the applicant to address the violations that currently exist on the subject property, with the Planning Department.

**SUBSTITUTE MOTION:** Moved by Marsh and seconded by Johnson to continue Construction Permit / CP 18-10 to the February 25, 2019, Planning Commission meeting in order for the applicant to address the violations that currently exist on the subject property, with the Planning Department.

**SECOND SUBSTITUTE MOTION:** Moved by Drewes and seconded Marsh to continue Construction Permit / CP 18-10 to the February 25, 2019, Planning Commission meeting in order for the applicant to address the violations that currently exist on the subject property, with the Planning Department and the SD DOT request is complied with.

**THIRD SUBSTITUTE MOTION:** Moved by Johnson and seconded by Drewes to continue Construction Permit / CP 18-10 to a time after the applicant satisfies the concerns of the SD DOT, as described in their comments on Page 14 of the January 28, 2019, Staff Report and the meeting will be scheduled after the SD DOT is satisfied with the response from the applicant and the meeting with the Planning Commission is held no earlier than February 25, 2019.

**All voting aye, the Motion carried 6 to 0**

**Moved by Lasseter and seconded by Drewes to recess for 10 minutes. All voting aye, the Motion carried 6 to 0.**

**Moved by Lasseter and seconded by Marsh to reconvene. All voting aye, the Motion carried 5 to 0.**

8. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.

Conover reviewed that this is an Ordinance Amendment to amend/adopt the Pennington County Comprehensive Plan. Conover further stated that Mr. Rick Rust, Matrix Design Group, Inc. will be providing a public presentation of the Draft Comprehensive Plan – View to 2040.

Staff recommended the Planning Commission listen to the presentation from Matrix Design Group, Inc., along with public comment and discuss as necessary; and, that the Planning Commission then schedule future hearings of Ordinance Amendment / OA 19-01 Comprehensive Plan – View to 2040.

Discussed followed with a public presentation by Matrix Design Group of the Draft Comprehensive Plan – View to 2040.

Moved by Marsh and seconded by Runde to continue Ordinance Amendment / OA 19-01 to the February 25, 2019, Planning Commission meeting to consider the amendment / adoption of the Comprehensive Plan.

**SUBSTITUTE MOTION: Moved by Marsh and seconded by Johnson to continue Ordinance Amendment / OA 19-01 and Ordinance Amendment / OA 19-01 will be heard at the February 25, 2019, March 11, 2019, and March 25, 2019 Planning Commission meetings to consider the amendment / adoption of the Comprehensive Plan.**

**All voting aye, the Motion carried 6 to 0.**

9. MOTION TO SCHEDULE SPECIAL PLANNING COMMISSION MEETING(S) REGARDING CROELL, INC.'S APPLICATIONS FOR MINING AND CONSTRUCTION PERMITS.

Conover discussed the rescheduling of the Special Planning Commission meeting to hear Croell, Inc.'s applications for Mining and Construction Permits.

Discussion followed.

**Moved by Marsh and seconded by Johnson to hold a Special Planning Commission meeting on May 8, 2019, at 3:00 p.m. to hear Croell, Inc.'s applications for Mining and Construction Permits.**

**All voting aye, the Motion carried 6 to 0.**

10. COUNTY BOARD REPORT  
The Board of Commissioners will hear the Planning Commission's recommendations from the January 14, 2019, meeting at their February 5<sup>th</sup> meeting.

11. ITEMS FROM THE PUBLIC

There were no motions or actions taken at this time.

12. ITEMS FROM THE STAFF

There were no items from staff.



13. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

14. ADJOURNMENT

**Moved by Runde and seconded by Marsh to adjourn.**

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 12:54 p.m.**

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Travis Lasseter, Chairperson