

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 25, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, TJ Doreff, Cody Sack, Jason Theunissen, Michael Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MARCH 11, 2019, MINUTES
Moved by Runde and seconded by Marsh to approve the Minutes of the March 11, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Marsh and seconded by Runde to approve the Agenda of the March 25, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Commissioner DiSanto appeared at the meeting at 9:03 a.m.

Moved by Marsh and seconded by Rivers to approve the Consent Agenda of the March 25, 2019, Planning Commission meeting, with the removal of Item #3. Vote: unanimous 7 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-34:** Jessica Thurmes. To review a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-34 with the following eight (8) conditions:

1. That the assigned address for the subject property be continually posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;
2. That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;
3. That the subject property continues to remain free of debris and junk vehicles;
4. 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;
5. That no additional living quarters be allowed to exist on the property;
6. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
7. That the applicant adheres to the Forest Service comments at all times; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-22:** Pamela Phillips. To review a single-wide mobile 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 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 25, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 17-22 to the September 9, 2019, Planning Commission meeting to allow staff time for research and for the applicant time to work on an alternative solution.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-38:** Daniel Johnson, Highmark Properties. To review a multi-family dwelling in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-38 to the April 22, 2019, Planning Commission meeting in order for the applicant to address the inadequate sizing of the on-site wastewater treatment system.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 17-43:** Under Canvas, Inc. (UC Glamping Partners, LLC); Jeremy Budge. To review and amend an existing Conditional Use Permit to allow a Recreational Resort (glamping) on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 6; SE1/4NW1/4; N1/2SW1/4; Section 16, T2S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit Amendment / CU 17-43 with the following twenty-seven (27) conditions:

1. That “Temporary” shall mean those structures, systems, and/or tents established for a repeated fixed period of time (April – November) with the intent that such structures, system, and/or tent will be removed or disassembled repeatedly;
2. That the uses of the Conditional Use Permit allow for: 80 temporary-tent camping sites, 18 temporary tipis, 8’ wide cart paths, temporary-tents for a lobby, temporary tent for outdoor dining, two (2) communal bathroom facilities with sinks/showers, management office, yoga deck, tent or other structure for laundry and housekeeping, fire pits, the sale of beer and wine (with applicable permits), weddings, and to allow for the coordination of off-site recreational pursuits from an on or off site location;
3. That an approved Temporary Building Permit be obtained for each tent site prior to construction and for repeated temporary 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.
4. That an approved Building Permit be obtained for any non-temporary 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;

5. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;
6. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the western border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
7. That all addresses continue to be posted in accordance with Pennington County's Ordinance #20;
8. That an approved On-Site Wastewater Construction Permit continue to be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
9. That the interior access roads leading to the tent sites continue to consist of, at a minimum, a 24-foot-wide graveled driving surface to accommodate two-way traffic;
10. That the minimum of 130 parking spaces continue be provided in accordance with Pennington County Zoning Ordinance Section 310 and that the applicant provides a new site plan illustrating where the wedding venue and any additional will be;
11. That a Sign Permit continue to be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior operation of the Recreational Resort, each year, the applicant continues to obtain all necessary permits from other governing bodies for the operation of the Recreation 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;
13. That the applicant continues to 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 17-43;

14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
16. That all exterior lighting must continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That the recommendations from the Fire Administrator continues to be adhered to at all times;
18. That quiet hours for the Recreational Resort continue to be between 10 p.m. and 8 a.m.;
19. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required Fire Mitigation Plans;
20. That emergency turn-arounds continue to be provided on-site, per Pennington County Fire Administrator recommendations;
21. That the applicant continues to adhere to all Forest Service requirements;
22. That the applicant continues to comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
23. That the applicant continues to comply with all State requirements for well digging, permitting, and water quality and provide the Pennington County Planning Director a copy of all documentation of said records prior to each review hearing;
24. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property;
25. That significant changes in the use of the subject property or a negative impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
26. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-43, which is available at the Planning Office; and,

27. That this Conditional Use Permit 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 7 to 0.

8. CONDITIONAL USE PERMIT REVIEW / CU 18-38: Daniel Johnson, Highmark Properties, LLC. To review the multi-family dwelling with separate units, Unit 1 and Unit 2, to be used as a Specialty Resort / Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

(Continued from the December 3, 2018, Planning Commission meeting.)

To continue to the review of Conditional Use Permit / CU 18-38 to the April 22, 2019, Planning Commission meeting in order for the applicant to address the inadequate sizing of the on-site wastewater treatment system with the following one (1) condition:

1. That the applicant pay a \$100.00 continuation fee as required in Section 511(X) if additional continuation(s) are required.

Vote: unanimous 7 to 0.

9. CONSTRUCTION PERMIT REVIEW / CP 18-03: Site Work Specialists. To review construction of a new water main, install water service lines, fittings, valves, valve boxes, fire hydrants, and other appurtenances, which includes surface restoration and other incidental work.

Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To continue the review of Construction Permit / CP 18-03 to the June 10, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

- 10. TELECOMMUNICATIONS FACILITY PERMIT REVIEW / TC 09-04:** Alltel Communications, Inc.; Robert Baker Revocable Trust. To review a 190 foot monopole communications tower in a General Agriculture District in accordance with Sections 205, 316, and 510 of the Pennington County Zoning Ordinance.

BLL located on Lot 1 of BTP Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Telecommunications Facility Permit / TC 09-04 with the following nine (9) conditions:

- 1. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which include necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That the Planning Director may allow additional development or construction which is consistent with the existing development of the Stealth Monopole. Significant changes in the use or appearance of the Stealth Monopole, as determined by the Planning Director, shall require an amendment to Telecommunication Facility Permit / TC 09-04;**
- 3. That a security fence continues to be maintained around the tower and accessory structures in accordance with Section 316 of the Zoning Ordinance;**
- 4. That the Landowner have the address properly posted in accordance with Ordinance #20, prior to April 2019;**
- 5. That a minimum of two (2) off-street parking spaces continue to be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;**
- 6. That emergency radio communication equipment continue to be allowed on the tower so long as it does not interfere with the applicant's broadcast equipment;**
- 7. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property;**
- 8. That the driving surface for the access road be a minimum of 14 feet wide and maintained in a dust free manner; and,**
- 9. That this Telecommunications Facilities Permit be reviewed 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 met.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

3. CONDITIONAL USE PERMIT REVIEW / CU 14-28: BLG Investments, LLC; Brady Groves. To review the transfer of an existing Conditional Use Permit to allow an existing residence to continue to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

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

Staff originally recommended approval of the transfer of Conditional Use Permit / CU 14-28 with ten (10) conditions, but staff is now recommending to continue the review of the transfer of the Conditional Use Permit to the April 8, 2019, Planning Commission meeting.

Moved by DiSanto and seconded by Runde to continue the review of the transfer of Conditional Use Permit / CU 14-28 to the April 8, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

11. CONSTRUCTION PERMIT REVIEW / CP 18-12: Brad Nible. To review the excavation and leveling of a hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Lot 2A, Block 6, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report and provided an update to the applicant's Construction Permit.

Staff recommended to continue the review of Construction Permit / CP 18-12 to the April 8, 2019, Planning Commission meeting with the following fourteen (14) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington County Zoning Ordinance;
2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Planning Department for review within 30 days;
3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
4. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
5. 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;
6. That all natural drainage ways and paths be continually maintained;
7. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
8. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. 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;
11. 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;

12. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the Pennington County Zoning Ordinance;
13. That any continuation hereafter caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington Counting Zoning Ordinance; and,
14. That this Construction Permit be reviewed at the April 8, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

Discussion followed.

Moved by Marsh and seconded by DiSanto to continue the review of Construction Permit / CP 18-12 to allow staff to take further action on the subject property, with the following fourteen (14) conditions:

- 1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington County Zoning Ordinance;**
- 2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Planning Department for review within 30 days;**
- 3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;**
- 4. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;**
- 5. 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;**
- 6. That all natural drainage ways and paths be continually maintained;**
- 7. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;**

8. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. 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;
11. 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;
12. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the Pennington County Zoning Ordinance;
13. That any continuation hereafter caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington Counting Zoning Ordinance; and,
14. That this Construction Permit be reviewed at the April 8, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

All voting aye, the Motion carried 7 to 0.

12. REZONE / RZ 19-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-01: Fatter Boys, Inc.; Bob Fuchs – Agent. To rezone 6.94 acres from Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 206, 210, and 508 of the Pennington County Zoning Ordinance.

Lot 1-3 less Lot 1A, Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to rezone 6.94 acres from Limited Agriculture District to Highway Service District and to amend the

Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District.

Staff recommended approval of Rezone / RZ 19-01 and Comprehensive Plan Amendment / CA 19-01.

Discussion followed.

Moved by DiSanto and seconded by Johnson to approve of Rezone / RZ 19-01 and Comprehensive Plan Amendment / CA 19-01.

All voting aye, the Motion carried 7 to 0.

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

(Continued from the March 11, 2019, Planning Commission meeting.)

Conover reviewed that this is an Ordinance Amendment to amend/adopt the Pennington County Comprehensive Plan.

Discussion followed.

Moved by Marsh and seconded by Johnson to table Item #13. All voting aye, the Motion carried 7 to 0.

Moved by DiSanto and seconded by Runde to reconsider Item #11. All voting aye, the Motion carried 7 to 0.

11. CONSTRUCTION PERMIT REVIEW / CP 18-12: Brad Nible. To review the excavation and leveling of a hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Lot 2A, Block 6, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Mr. Nible, applicant, appeared and discussed the review of his Construction Permit with the Planning Commission.

Moved by Marsh and seconded by Johnson to untable Item #13. All voting aye, the Motion carried 7 to 0.

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

(Continued from the March 11, 2019, Planning Commission meeting.)

Discussion continued

Moved by DiSanto and seconded by Johnson to recess at 10:52 a.m. All voting aye, the Motion carried 7 to 0.

Moved by DiSanto and seconded by Marsh to reconvene at 11:00 a.m. All voting, the Motion carried 6 to 0.

Discussion continued.

Moved by Marsh and seconded by DiSanto to approve recommended changes to portions of Section 6 and Section 9 of the Comprehensive Plan for Ordinance Amendment / OA 19-01.

All voting aye, the Motion carried 7 to 0.

Moved by Marsh and seconded by Rivers to continue Ordinance Amendment / OA 19-01 to the April 22, 2019, and May 13, 2019, Planning Commission meetings to consider the amendment / adoption of the Comprehensive Plan.

All voting aye, the Motion carried 7 to 0.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 11, 2019, Planning Commission meeting.

Layout Plat / LPL 19-04 - John and Ann Hovdenes; Fisk Land Surveying – Agent; to create Lots 1 and 2 of Cosmos Subdivision was approved with ten (10) conditions.

15. ITEMS FROM THE PUBLIC

There were no motions or actions taken at this time.

16. ITEMS FROM THE STAFF

A. Speaker Request Form. Conover spoke of a Speaker Request Form that the Board of Commissioners may implement at their meetings.

B. SD DOT Erosion & Sediment Control & Storm Water Management Training. Conover spoke of the upcoming training class to be held April 17th and 18th in Rapid City.

17. ITEMS FROM THE MEMBERSHIP

Commissioner Lasseter reminded the Planning Commission that they are able to park in the parking garage for meetings, and, he further stated he will not be at the April 22nd Planning Commission meeting.

18. ADJOURNMENT

Moved by DiSanto and seconded by Johnson to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:58 a.m.

Travis Lasseter, Chairperson