

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 10, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Kristina Proietti, Cody Sack, Jason Theunissen, Michaele Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MAY 28, 2019, MINUTES
Moved by Johnson and seconded by Marsh to approve the Minutes of the May 28, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Marsh to approve the Agenda of the June 10, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Marsh and seconded by Rivers to approve the Consent Agenda of the June 10, 2019, Planning Commission meeting, with the removal of Item #11. 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 08-48:** Spring Creek Premier Property / Cody Schad. To review accessory structures (garage and pump house) without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 08-48 to the June 24, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-06:** Dakota Thyme, LLC; Julie Smoragiewicz – Agent. To review a Recreational Resort to allow up to 10 seasonal rental cabins, a manager’s residence, a maintenance shop and kitchen on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The S1/2S1/2NE1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-06 with the following nineteen (19) conditions:

1. **That Conditional Use Permit / CU 14-06 is to consist of up to ten (10) seasonal cabins, manager’s residence, maintenance shop and a kitchen;**
2. **That the minimum number of required parking spaces be continually maintained on the subject property. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance, which requires one parking space per guest bedroom and two parking spaces for every three employees;**
3. **That the property addresses continue to be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County’s Ordinance #20;**
4. **That the operation of the Recreational Resort not interfere with the functioning or maintenance of Cosmos Road or Highway 16;**
5. **That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;**
6. **That the property continually remains free of debris and junk vehicles and the property and all structures be well-maintained;**
7. **That all existing drainage ways be continually 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;**
8. **That the applicant continues to maintain all necessary permits or licenses from other governing bodies for the operation of the Recreational Resort, including, but not limited to, a South Dakota Department of Health Lodging**

License and a Sales Tax License from the South Dakota Department of Revenue;

- 9. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;**
- 10. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;**
- 11. That the applicant continues to maintain an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and a copy of said plan be kept on file at the Pennington County Planning Department;**
- 12. That the interior graveled private driveway leading to the residence continues to be, at a minimum, ten (10) feet-wide and continues to have a sign on it to indicate that it is a private driveway;**
- 13. That the interior access roads leading to the cabins continue to consist of, at a minimum, a 16-foot-wide graveled driving surface to accommodate two-way traffic;**
- 14. That all exterior lighting continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;**
- 15. That a smoke detector be continually located in each sleeping room, with a minimum of at least one (1) smoke detector per floor;**
- 16. That portable fire extinguishers with a minimum 2 A-BC ratings be continually kept on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers be inspected and tagged annually;**
- 17. That prior to further development above and beyond: 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen, the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from U.S. 16 onto Cosmos Road;**
- 18. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,**

19. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-19:** Kristina Trautman. To review an accessory structure (shed/garage) prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract B of Lot 1 of NW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-19 with the following ten (10) conditions:

1. That the existing approach off of Marshall Gulch Road continue to be utilized or else an Approach Permit be obtained from the County Highway Department and the existing approach be abandoned;
2. That if the applicant chooses to install any plumbing within or on the outside of the accessory structure, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations and an On-Site Wastewater Construction Permit be obtained.
3. That the applicant continues to maintain all required setbacks during new construction and a Floodplain Development Permit be obtained if the applicant chooses to build a structure within the 100-year Floodplain;
4. That the accessory structures continue to be used for personal use only and no commercial-type uses;
5. That the property continues to remain free of debris at all times;
6. That all natural drainage paths continue to be maintained;
7. That the address continues to be posted so it is clearly visible from Marshall Gulch Road in accordance with Pennington County's Ordinance #20;
8. That prior to any work being conducted within the 100-year floodplain boundaries, a Floodplain Development Permit be obtained;
9. That the applicant continues to adhere to all USFS regulations; and,

10. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-04:** Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick – Agent. To review 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 of Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

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

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
2. That the applicant provide a landline in case of an emergency;
3. That if any additions to the structure 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;
4. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;
5. That the applicant continually 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;
6. That the applicant continue 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;
7. That the minimum of two (2) off-street parking spaces continue to be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;

8. That an interior information sign continue to be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-2151 listed as contacts for Fire Department and Sheriff's Department, during operating of the residence as a VHR;
9. That the lot address (23632 Strato Bowl Road) continue to be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;
11. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
12. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
13. That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. 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; and,
15. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-01:** Ron Weifenbach. To review for seasonal retail sales of Class C fireworks in a General Commercial District in accordance with Sections 204-D, 209, and 510 of the Pennington County Zoning Ordinance.

All, Block 8, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the May 13, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28 to January 1 from the hours of 7 a.m. to 12 a.m.;
3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,
10. That this Conditional Use Permit be reviewed at the May 26, 2020, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-13:** Randy Wirtzfeld. To review a 12 x 12 cabin to be occupied on a seasonal basis on the subject property, not to be occupied more than 180 days per calendar year, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Brule Lode MS 993, Section 36, T2N, R3E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-13 with the following seven (7) conditions:

1. That the lot address assigned to the property (11730 Divide Road) be properly posted in accordance with Pennington County's Ordinance #20;
2. That the seasonal cabin may not be occupied more than 180 days per calendar year;
3. That a port-a-potty continue to be present on the subject property while the cabin is occupied and the port-a-potty be pumped and maintained as needed to prevent effluent and "blue juice" from reaching the ground. Pump records must be provided to the Planning Department upon request;
4. 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;
5. That the minimum setback requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the cabin continue to be used for personal use only. No commercial activity or renting shall be permitted; and,
7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-15:** Koenig Family Trust (Sheila Watkins); Edelweiss Mountain Lodging - Agent. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County.

To approval of the extension of Conditional Use Permit / CU 18-15 with the following thirteen (13) conditions:

- 1. That the maximum overnight occupancy continue to be limited to twelve (12) people and the maximum daytime occupancy be limited to eighteen (18);**
- 2. That each review of Conditional Use Permit / CU 18-15, be subject to Pennington County Zoning Ordinance (PCZO) § 511(F)(3), which imposes a \$100 fee per review;**
- 3. That the applicant continually 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 upon request;**
- 4. That the applicant continually 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;**
- 5. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per PCZO § 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;**
- 6. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;**
- 7. That the lot address (190 Swiss Drive) continue to be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;**
- 9. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;**

10. That all applicable Federal, State, and local regulations continue to be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
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; and,
13. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-16:** David and Karen Maudlin. 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..

Lot 3 (also in Section 3, T2S, R5E), Turbo Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-16 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 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 and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 18-16, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;

5. That the applicant continually 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 upon request;
6. That the applicant continually 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;
7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 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;
8. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
9. That the lot address (12754 Devin Court) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from David Maudlin, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. 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; and,
15. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning

Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

- 12. CONDITIONAL USE PERMIT REVIEW / CU 18-26:** Kelly and Brenda Hansen. To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property and to also allow the Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 3, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

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

To approve of the extension of Conditional Use Permit / CU 18-26 with the following thirteen (13) conditions:

- 1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;**
- 2. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;**
- 3. That the applicant continue to work with South Dakota Wildland Fire to develop a Fire Mitigation Plan and a copy of the plan be provided to the Planning Department;**
- 4. That a Building Permit application for the proposed single-family residence be approved prior to September 01, 2021, or CU 18-26 shall automatically end;**
- 5. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
- 6. That the RV be used as living quarters for no more than 180 days in a calendar year;**
- 7. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;**

8. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
9. 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;
10. That upon expiration of a of a Building Permit for the proposed single-family residence, the RV will be disconnected from all utilities and no longer be utilized as living quarters on the subject property;
11. That the applicant notify the Planning Department if the new residence is habitable prior to the expiration of the Building Permit, so that this Conditional Use Permit may be ended;
12. That more than one continuation caused by the applicant's failure to meet Conditions of Approval will incur a \$100.00 fine per continuation in accordance with § 511(X) of the Pennington County Zoning Ordinance; and,
13. That this Conditional Use Permit be reviewed in two (2) years, Planning Commission meeting, 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.

13. **CONSTRUCTION PERMIT REVIEW / CP 17-14:** Cody Schad. To review the construction of a road constructed outside of the Section Line Right-of-Way and to satisfy a Condition of Approval for CS16-02.

E1/2SW1/4NW1/4 LESS ROW; W1/2SW1/4 NW1/4 and Lot 28, Copper Oaks #1, all located in Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 17-14.

Vote: unanimous 7 to 0.

14. **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.

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

To end Construction Permit / CP 18-03.

Vote: unanimous 7 to 0.

15. **ROAD NAMING:** Lorin Lippert. To name a proposed 24-foot-wide Section Line Right-of-Way providing access to properties located in Sections 2 and 11, T1S, R9E, BHM, Pennington County, South Dakota, to Lippert Ranch Road.

To recommend approval of the Road Naming to Lippert Ranch Road.

Vote: unanimous 7 to 0.

16. **CONDITIONAL USE PERMIT / CU 19-12:** James and Jill Brunsch. To live in a Recreational Vehicle during construction of a barn, fences, and a future residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract 5, Wileman Acres Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 19-12 with the following twelve (12) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the barn and/or single-family residence;**
2. **That the applicant obtain an approved Approach Permit from the County Highway Department prior to placement of the RV on the subject property;**
3. **That prior to placement of the RV on the subject property, the applicant provide specifications on the proposed composting toilet and receive approval from the South Dakota Department of Environment and Natural Resources;**
4. **That a Building Permit application for the proposed single-family residence be submitted within one (1) year of approval of Conditional Use Permit / CU 19-12;**
5. **That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**

6. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV on the subject property;
7. That the RV being used as a temporary residence be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
8. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
9. That the subject property remains free of debris and junk vehicles;
10. 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;
11. That upon completion of the single-family residence on the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property; and,
12. That this Conditional Use Permit 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 7 to 0.

END OF CONSENT AGENDA

11. CONDITIONAL USE PERMIT REVIEW / CU 18-17: James and Laura Rogers. To review a temporary labor camp on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 10, Moon Ranch Subdivision, Section 33, T1S, R1E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 18-17 with eight (8) conditions.

Discussion followed.

Moved by Marsh and seconded by Johnson to approve of the extension of Conditional Use Permit / CU 18-17 with the following eight (8) conditions:

- 1. That the addition of any future structures will require a review and possible Amendment of CU 18-17, prior to any new structures being placed on the subject property;**
- 2. That the addresses assigned to the property be properly posted in accordance with Pennington County's Ordinance #20 and road signs posted as required;**
- 3. That the seasonal Labor Camp may not be occupied more than 180 days per calendar year;**
- 4. That the applicant submit all future pump receipts to the County Environmental Planner within two (2) weeks of the holding tank being pumped;**
- 5. 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;**
- 6. That the minimum setbacks requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;**
- 7. That the cabins be used for personal use only. No commercial activity or renting shall be permitted; 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 Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

17. CONDITIONAL USE PERMIT / CU 19-08: Jeffrey Scherr. To live in a Recreational Vehicle (camper) while building a single-family residence on the subject property in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot D of Lot 17 of Fort Mead Placer MS 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the May 28, 2019, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a Recreational Vehicle (camper) while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 19-08 with the following twelve (12) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
2. That the RV be located outside the Special Flood Hazard Area;
3. That a Building Permit application for the proposed single-family residence be submitted within one (1) year of approval of Conditional Use Permit / CU 19-08;
4. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
5. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV on the subject property;
6. That prior to utilization of the RV on the subject property, the applicant install the onsite wastewater treatment system and have it inspected and approved by Pennington County;
7. That the RV being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
8. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
9. That the subject property remains free of debris and junk vehicles;
10. 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;

11. That upon completion of the single-family residence on the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property; and,
12. That this Conditional Use Permit 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.

Discussion followed.

Moved by Rivers and seconded by Runde to approve of Conditional Use Permit / CU 19-08 with the following thirteen (13) conditions:

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;**
- 2. That the RV be located outside the Special Flood Hazard Area;**
- 3. That a Building Permit application for the proposed single-family residence be submitted within one (1) year of approval of Conditional Use Permit / CU 19-08;**
- 4. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
- 5. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV on the subject property;**
- 6. That prior to utilization of the RV on the subject property, the applicant install the onsite wastewater treatment system and have it inspected and approved by Pennington County;**
- 7. That the RV being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;**
- 8. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 9. That the subject property remains free of debris and junk vehicles;**

10. 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;
11. That upon completion of the single-family residence on the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
12. That the property owner implements erosion and sediment controls; and,
13. That this Conditional Use Permit 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.

All voting, the Motion carried 6 to 1. Commissioner Hadcock voted no.

18. CONDITIONAL USE PERMIT / CU 19-11: Paul and Rebecca Freidel. To allow a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Cedar Gulch Subdivision, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 19-11 with the following eleven (11) conditions:

1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;

5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);
6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That prior to any Building Permit for the Guest House being applied for, any On-site Wastewater Treatment System must be in compliance with PCZO § 318 and §204 (J), and be approved by the Pennington County Environmental Planner;
8. That both of the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Longhorn Court, in accordance with Pennington County Ordinance #20;
9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;
10. 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; and,
11. 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.

Discussion followed.

Moved by Hadcock and seconded by Rivers to continue Conditional Use Permit / CU 19-11 to the June 24, 2019, Planning Commission meeting.

All voting, the Motion carried 6 to 1. Commissioner Coleman voted no.

19. CONDITIONAL USE PERMIT / CU 19-14: Dottie Pugsley. To allow a multi-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 21, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit to allow a multi-family residence in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 19-14 with the following seven (7) conditions:

1. That a Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;
2. That the lot address be clearly posted, so as to be visible from Aurora Street, in accordance with Pennington County's Ordinance #20;
3. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
5. That the subject property remains free of debris and junk vehicles;
6. 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,
7. That this Conditional Use Permit be reviewed in one (1) year, 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.

Discussion followed.

Moved by Hadcock and seconded by Runde to approve of Conditional Use Permit / CU 19-14 with the following seven (7) conditions:

- 1. That a Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;**
- 2. That the lot address be clearly posted, so as to be visible from Aurora Street, in accordance with Pennington County's Ordinance #20;**
- 3. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**

5. **That the subject property remains free of debris and junk vehicles;**
6. **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,**
7. **That this Conditional Use Permit be reviewed in one (1) year, 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 7 to 0.

20. REZONE / RZ 19-06 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-06: Magheramore, LLC, Fisk Land Surveying – Agent. To rezone 111.48 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 206, 209, and 508 of the Pennington County Zoning Ordinance.

That Portion of NE1/4 Lying west of RR ROW Less Darlington Estates Subdivision; SE1/4NW1/4; NE1/4SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to rezone 111.48 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06.

Discussion followed.

Moved by Marsh and seconded by Coleman to approve of Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06.

All voting aye, the Motion carried 7 to 0.

21. LAYOUT PLAT / LPL 19-13: Jeffrey Scherr. To create Lots D1, D2, and D3 of 17 of Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Lot A of Lot 8 of Lot E and Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442 and Lot D of Lot 17 of Fort Mead Placer MS 244, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots D1, D2, and D3 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots D1, D2, and D3 of Lot 17 of Fort Meade Placer 244.

Staff recommended denial of Layout Plat / LPL 19-13.

Discussion followed.

Commissioner Rivers left the meeting at 10:45 a.m.

Moved Hadcock and seconded by Marsh to deny Layout Plat / LPL 19-13.

Commissioner Rivers returned to the meeting at 10:47 a.m.

All voting, the Motion to deny carried 5 to 2. Roll call vote: Commissioners Hadcock, Marsh, Coleman, and Rivers voted yes. Commissioners Johnson and Runde voted no.

22. LAYOUT PLAT / LPL 19-14: Jerry and Darlene Litzel. To reconfigure lot lines to create Lots 1R and 2R of Monument Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 and Lot 2 of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 2R of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to reconfigure lot lines to create Lots 1R and 2R of Monument Subdivision.

Staff recommended approval of Layout Plat / LPL 19-14 with the following six (6) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these

requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;

4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. 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 and maintain an Operating Permit; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Hadcock and seconded by Marsh to approve of Layout Plat / LPL 19-14 with the following six (6) conditions:

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
- 4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 5. 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 and maintain an Operating Permit; and,**
- 6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 7 to 0.

Moved by Lasseter and seconded by Marsh to take a recess. All voting aye, the Motion carried 7 to 0.

Moved by Rivers and seconded by Marsh to reconvene. All voting aye, the Motion carried 7 to 0.

23. TAX INCREMENT FINANCE DISTRICT #4: A Tax Increment Finance District (TIF) has been submitted by the City of Box Elder for the development of Seger Crossing Business Park, including, but not limited to the Box Elder Event Center, streets, curbs, gutter, water and sewer utilities, drainage improvements and other infrastructure elements that would serve proposed commercial and industrial development within the tax increment district on property located south of S. Interstate 90 Service Road and N. Elk Vale Road and on property located north of N. Interstate 90 Service Road and N. Elk Vale Road.

The TIF District includes That Portion of N1/2NW1/4 LYING North OF Road ROW, Section 26, T2N, R8E; N1/2NE1/4 less Lot H3, less Highway; Tract A OF SE1/4NE1/4; NW1/4 LESS Tract C, LESS Tract H, LESS LOT 1-2 OF Tract K, LESS LOT B OF Tract J Revised, LESS LOT 1-2 OF Tract L, LESS LOT A OF Tract C, LESS SEGER CROSSING Subdivision, LESS LOTS H3 AND H4, Section 27, T2N, R8E; DRAINAGE Tract 1 and Drainage Tract 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E; Lot 1, Lot 2, Lot 3 less Lot H1, Lot 4, Block 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E; Lot 1, Lot 2, Lot 3, Lot 4, less Lot H1, Block 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E; Sign Tract 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E; LOT 1 and Lot 2 OF LOT D OF W1/2 E1/2, Section 27, T2N, R8E; Lot 1 and Lot 2 Less Lot H1, RDO Subdivision, Section 27, T2N, R8E; LOT 1 OF TRACT D, W-Y Addition, Section 27, T2N, R8E; LOT 2 OF TRACT D, W-Y Addition, Section 27, T2N, R8E; LOT 4 OF TRACT D, W-Y Addition, Section 27, T2N, R8E; LOT 1 and Lot 2, DAVIS Subdivision, Section 27, T2N, R8E; Lot 1 Revised, Lot 2a and 2b, Lot 4, ISIS Subdivision, Section 27, T2N, R8E; All Located in the City of Box Elder, Black Hills Meridian, Pennington County, South Dakota including within and adjacent rights-of-ways.

Conover presented the proposed Tax Increment Finance District #4 which was submitted by the City of Box Elder.

Discussion followed.

Moved by Runde and seconded by Johnson to recommend the creation of “Tax Increment Financing District Number Four, County of Pennington”. All voting aye, the Motion carried 7 to 0.

Moved by Marsh and seconded by Hadcock to adopt the project plan for the creation of TIF District #4 dated June 2019. All voting aye, the Motion carried 7 to 0.

Moved by Runde and seconded by Marsh to designate the boundaries of TIF District #4 as legally described in the adopted project plan. All voting aye, the Motion carried 7 to 0.

Moved by Runde and seconded by Johnson to submit the plan and the recommendation of the Pennington County Planning Commission to create “Tax Increment Financing District Number Four, County of Pennington” to the Pennington County Board of Commissioners for further action. All voting aye, the Motion carried 7 to 0.

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

(Continued from the May 28, 2019, Planning Commission meeting.)

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

Commissioner Runde requested that the consultants correct the punctuation for the Draft Comprehensive Plan Amendment.

Discussion followed.

Commission Hadcock left the meeting at 11:42 a.m.

Moved by Rivers and seconded by Johnson to continue Ordinance Amendment / OA 19-01 to the July 8, 2019, Planning Commission meeting.

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 May 28, 2019, Planning Commission meeting.

From the May 13, 2019, Planning Commission meeting: Conditional Use Permit 19-06: Big Game Storage, LLC; Chris Peterson to allow a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District was appealed and heard at the 06-04-19 BOC meeting and was continued to the 06-18-19 BOC meeting.

26. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

27. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the May 2019 Building Permit Report.

28. ITEMS FROM THE MEMBERSHIP

Commissioner Runde spoke of the memberships for Planning Commission.

29. ADJOURNMENT

Moved by Rivers and seconded by Marsh to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:52 a.m.

Travis Lasseter, Chairperson