

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**July 8, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. ELECTION OF OFFICERS

**Conover stated that, during the first annual organizational meeting in July of each year, the Planning Commission elects new Planning Commission officers.**

**Conover opened nominations for officer positions.**

**Moved by Johnson and seconded by Lasseter to nominate Rich Marsh as Chairperson, Sonny Rivers as Vice-Chairperson and Travis Lasseter as Second Vice-Chairperson. Written vote passed 6 to 0.**

2. APPROVAL OF THE JUNE 24, 2019, MINUTES

**Moved by Runde and seconded by Travis to approve the Minutes of the June 24, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.**

3. APPROVAL OF THE AGENDA

**Moved by Lasseter and seconded by Runde to approve the Agenda of the July 8, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Lasseter and seconded by Johnson to approve the Consent Agenda of the July 8, 2019, Planning Commission meeting, with the removal of Items #9 and #13. 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.

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

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

**To end Conditional Use Permit / CU 17-33.**

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-08:** Stromer Properties, LLC; Brook Stromer. To review an illuminated, on-premise sign within 1,500 feet of a residential zoning district / dwelling unit in a General Commercial in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

Lot A2; Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 18-08 with the following eight (8) conditions:**

1. **That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways or airspace, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or pilot of an aircraft, or otherwise interfere with any driver's operation of a motor vehicle or pilot's operation of an aircraft;**
2. **That the applicant obtain a Sign Permit for the proposed sign prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;**
3. **That the sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance;**
4. **That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
5. **That the sign must meet a minimum of a five (5) foot setback from the front property lines and twenty-five (25) foot setbacks from all side and rear property lines. In addition, no part of the sign or infrastructure may be located in any right-of-way;**
6. **That the overall height of the proposed sign, including ground clearance, not exceed 30 feet and the maximum display area not exceed 250 square feet on each face; and,**

7. That this Conditional Use Permit shall automatically expire if the use for which the use was granted, has not been established within two years following the date of approval, May 29, 2018;
8. 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 Conditionals of Approval are being met.

**Vote: unanimous 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-21:** David and Leah Byers. To review a single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 18-21 with the following six (6) conditions:**

1. That the applicant work with the SDDOT to approve any changes to the existing access to the subject property, per the applicable Administrative Rules of South Dakota;
2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System;
3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
5. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106; and,
6. 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.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-23**: BCS Invest, LLC; Kevin Haberstroh. To review six storage units and a caretaker / manager's residence on the subject property in a General Commercial District / General Agriculture District in accordance with Sections 205, 209, and 510 of the Pennington County Zoning Ordinance.

Lot 2 (also in Section 19), Heavlin #2 Addition, Section 30, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 18-23 with following eighteen (18) conditions:**

1. **That setbacks be in accordance with § 209 of the Pennington County Zoning Ordinance (PCZO) or approved Variance(s) be obtained;**
2. **That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with § 510 of the PCZO;**
3. **That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director and additional Staff as deemed necessary by the Planning Director;**
4. **That a minimum of four (4) parking spaces be provided at the location of the storage unit office and a loading and unloading zone be provided for all storage units. The interior roadways must have four (4) inches of gravel, concrete, or asphalt and be maintained in such a manner that no dust will result from continuous use;**
5. **That, in addition to existing car sales, only the following be allowed on the subject property with approved Permits:**
  - A. **Six (6) storage units, not to exceed the square footage as indicated on the applicant's site plan included with this Staff Report;**
  - B. **One (1) Office;**
  - C. **One (1) Shop; and,**
  - D. **One (1) Caretaker's residence, only to be lived in by an individual engaged in the day-to-day operation of the storage unit business and not to be used as a Vacation Home Rental;**
6. **That additional non-storage unit structures placed on the subject property may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;**
7. **That Floodplain Development Permits shall be required for construction in the Special Flood Hazard Area;**

8. That the office/shop building and the caretaker's residence are assigned separate addresses and posted, clearly visible and maintained in accordance with Pennington County Ordinance #20;
9. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
10. That no more than two (2) premise signs shall be allowed in accordance with § 312 of the PCZO, with an approved Sign Permit;
11. That this Conditional Use Permit shall automatically expire if the use for which the it was granted has not been established within two years following the date of approval, July 9, 2020;
12. That prior to approval of a Building Permit, the applicant complete the Planning Department memo for the Federal Aviation Administration's Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis;
13. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner's or caretaker's phone number, which must be clearly visible at the entrance of the lot;
14. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
15. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
16. That the property continually remains free of junk and debris;
17. That if any increase of impervious area is greater than 15%, the property owner shall provide storm water treatment of the runoff generated by the first 0.5" of rainfall (See Pennington County Storm Water Manual); and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-02:** Greg and Angelina Anderson. 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 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 19-02 with the following fifteen (15) conditions:**

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) 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 19-02, be subject to PCZO §511(F)(4), 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 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 (8107 Croyle Court) be posted on the residence at all times and so it is clearly visible from Croyle 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 Greg Anderson, 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 one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

- 10** **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-01:** Deerfield Cabins, LLC; Deon Wynia. To review an existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

**To approve of the extension of Major Planned Unit Development Amendment / PU 18-01 with the following twenty-five (25) conditions:**

1. That the Planned Unit Development consist of four (4) lots with one (1) vacation home and accessory structure on each lot, and one (1) picnic pavilion on Lot 43, with all structures being stick built;

2. That the setbacks for the planned Unit Development be 25 feet from all property lines;
3. That each unit have smoke/heat detectors, fire extinguishers and two means of escape;
4. That each unit have a minimum of one (1) parking space per bedroom be provided for each Vacation Home Rental measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That prior to construction or dirt work within the 100-year floodplain the applicant must obtain approval of a Floodplain Development Permit;
7. That no drainfield be located within the areas designated as 100-year floodplain;
8. That the internal roads and parking spaces be maintained in a dust free manner;
9. That each unit have the address properly posted in compliance with County Ordinance # 20;
10. That no additional trails shall be constructed onto National Forest Service Lands without obtaining permission from the U.S. Forest Service;
11. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
12. That for each unit the applicants 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 current copy of said plan be kept on file at the Planning Department;
13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
15. That the dwelling on Lot 43 is rented as one (1) Vacation Home Rental Unit to one (1) family at a time and is not occupied by the property owner at the time of rental, and if both units are utilized separately as Vacation Home Rental Units, an additional Major Planned Unit Development Amendment



must be obtained to allow a multi-family Vacation Home Rental Unit prior to operation;

16. That the applicant and/or landowner of the Lot 43 continues to obtain a license from the 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;
17. That prior to operation, the Vacation Home Rental, on Lot 43, designate five (5) off-street parking spaces in such a manner that does not block or obstruct any means of ingress or egress to and from the residence and subject property, with each parking space measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
18. That the residence on Lot 43 continues to remain garbage disposal free or the landowner must increase the septic tank capacity to accommodate the increase wastewater;
19. That Lot 43 continues to remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
20. That if encroachments are located on National Forest System lands and adjacent to Lot 43, the landowner of record has the responsibility to remove all personal property and real property from National Forest System lands at the landowners' expense per the email from the U.S. Forest Service;
21. That, for Lot 43, the number of nightly guests shall not exceed fourteen (14) people per § 319(F)(1), with the number of day guests at a maximum of eighteen (18) people, based on the DENR approval letter;
22. That interior informational signs continue to be posted in the residence on Lot 43, in accordance with the requirements of PCZO § 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. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
23. That the applicants ensure the Vacation Home Rental on Lot 43 is operated in accordance with the requirements of PCZO § 319-F (Performance Standards) at all times;
24. That prior to the next review, the Building Permit and Septic concerns be corrected or a method for correction be in place and agreed upon in writing by Staff and the Landowner; and

25. **That Major Planned Unit Development Amendment / PU 18-01 be reviewed at the November 19, 2019, Planning Commission meeting to ascertain all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

11. **CONSTRUCTION PERMIT REVIEW / CP 17-05:** Anthony and Michele Griffith. To review bringing in fill to an area to level, gravel and allow for reclamation of the remaining area.

Balance of Lot 1 of NE1/4SW1/4; Lot 1 of SE1/4SW1/4; E1/2 of Lot A of SE1/4SW1/4; E1/2 of Lot A of NE1/4SW1/4 Adjacent to Lot 1, Section 29, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from April 8, 2019, Planning Commission meeting.)

**To end Construction Permit / CP 17-05.**

**Vote: unanimous 6 to 0.**

12. **CONSTRUCTION PERMIT REVIEW / CP 19-03:** Mike and Kimberly Van Loan. To review the leveling and grading of a road to be utilized as a driveway for future construction of a single-family residence.

Tract A of SW1/4SW1/4, Section 8, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Construction Permit / CP 19-03 with the following nine (9) conditions:**

1. **That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and 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;**
2. **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;**
3. **That the disturbed areas be re-vegetated as required in §507(A)(5)(c);**
4. **That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;**

5. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
6. That all natural drainage ways and paths be continually maintained;
7. 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;
8. 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;
9. That this Construction Permit is reviewed in six (6) months or as directed by the Planning Director.

**Vote: unanimous 6 to 0.**

14. **MINOR PLAT / MPL 19-19:** David Grover. To create Lot 1 of Grover Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract A of HES #303 Less Tract Dean, Less Tract Drew and Less ROW, HES #303, Section 32, T1S, R5E, BHM, Pennington County, South Dakota and a portion of existing GL 5 Less Tract Drew of HES #303 and Less ROW, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Grover Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / MPL 19-19 with the following nine (9) conditions:**

1. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 508 or § 509 of the Pennington County Subdivision Regulations, to obtain either a Rezone or a Lot Size Variance;

4. That upon filing the Plat with the Register of Deeds, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
5. That at the time of Minor Plat submittal, 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 § 700 of Pennington County Subdivision Regulations;
6. That upon filing the plat with the Register of Deeds, the plat show “Towering Pines Lane” on the west edge of the subject property;
7. That prior to any work being done on proposed Lot 1 of Grover Subdivision, or the remaining unplatted balance, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;
8. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 of Grover Subdivision be in compliance with Pennington County Zoning Ordinances; and,
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked.

**Vote: unanimous 6 to 0.**

15. **MINOR PLAT / MPL 19-20:** Ryan and Dawn Loraas; Fisk Land Surveying – Agent. To combine two lots to create Lot 4R of Block D, Edelweiss Mountain Development Subdivision in accordance with Sections 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 (also in Section 20) and Lot 3 of Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R, Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / MPL 19-20 with the following six (6) conditions:**

1. That upon submitting the Plat with the Register of Deeds, a minimum eight (8) foot Minor Drainage and Utility Easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

2. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That prior to filing the Plat with the Register of Deeds, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
4. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats; and,
6. 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.

**Vote: unanimous 6 to 0.**

#### **END OF CONSENT AGENDA**

9. CONDITIONAL USE PERMIT / CU 19-15: Samuel G. Fullerton III. To allow for a caretaker's residence on the subject property after a single-family residence is built in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from June 24, 2019, Planning Commission meeting.)

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

Conover noted that the recommendation on the Agenda is for approval of the extension of Conditional Use Permit / CU 19-15 and the language needs to be amended to note as recommend approval of Conditional Use Permit / CU 19-15, as this is a new application and not a review.

**Moved by Johnson and seconded by Lasseter to approve of Conditional Use Permit / CU 19-15 with the following seven (7) conditions:**

1. That the addresses for both the proposed single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
3. That an approved Building Permit be obtained for the caretaker's residence and 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;
4. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or a setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That once care is no longer needed, the caretaker's residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
7. 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 aye, the Motion carried 6 to 0.

13. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 19-04: Misty Cline LaBelle. A special consideration to PUD 79-02 to reduce the minimum rear yard setback from 25 feet to 23 feet to allow for the construction of a garage in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 11, Block 8, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue the Special Consideration to Trailwood Village Planned Unit Development / PU 19-04 to allow the applicant time to address the two sheds, both are located within the setback and one is located within the easement.

Discussion followed.

**Moved by Johnson and seconded by Runde to continue the Special Consideration to Trailwood Village Planned Unit Development / PU 19-04 to allow the applicant time to address the two sheds, both are located within the setback and one is located within the easement.**

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

16. REZONE / RZ 19-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-08: Brad and Colleen Kurtz. To rezone 10.5 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Lot 8, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Rezone and Comprehensive Plan Amendment to rezone 10.5 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 19-08 and Comprehensive Plan Amendment / CA 19-08.

**Moved by Johnson and seconded by Runde to approve of Rezone / RZ 19-08 and Comprehensive Plan Amendment / CA 19-08.**

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

## **CONSTRUCTION PERMIT AGENDA**

17. CONSTRUCTION PERMIT / CP 19-09: Rangel Construction Company. To improve the drainage around Rapid Valley Elementary School.

Tract 1 of Lot W of (SE1/4NW1/4 and NE1/4SW1/4) (Easement), Williams Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP-19-09 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 PCZO;
2. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;

3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. 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;
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 sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage *immediately* after being notified or as discovered by the owner during weekly inspections;
8. 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;
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 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;
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
12. That prior to the Planning Director's approval, the applicant pay a penalty fee in accordance with § 511(W)(2) of the PCZO;
13. That the applicant signs a Statement of Understanding within ten (10) days of approval; and
14. That this Construction Permit be reviewed in three (3) months, or as directed by the Planning Director.



18. CONSTRUCTION PERMIT / CP 19-10: Jess and Sarah Pekarski. To grade portions of an access easement and to construct a private gravel driveway to include ditches and culverts.

Lot 6 (Plat #4), Block 5, Clarkson Subdivision, and the Balance of SW1/4NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 19-10 with the following eleven (11) conditions:

1. That erosion and sediment controls are implemented immediately and maintained until the site has reached final stabilization as required in §507(A)(5)(c) of the Pennington County Zoning Ordinance;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and 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;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);
5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
6. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
7. That all-natural drainage ways and paths be continually maintained;
8. 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;
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 applicant signs a Statement of Understanding within ten (10) days of Permit approval; and,

11. That this Construction Permit is reviewed in one (1) year or as directed by the Planning Director.

## **END OF CONSTRUCTION PERMIT AGENDA**

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

(Continued from the June 24, 2019, Planning Commission meeting.)

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

Discussion followed.

**Moved by Johnson and seconded by LaCroix to recess. All voting aye, the Motion carried 6 to 0.**

**Moved by Lasseter and seconded by Johnson to reconvene. All voting aye, the Motion carried 5 to 0. Commissioner Runde had not returned to the meeting during this Motion.**

Discussion further continued.

**Moved by Lasseter and seconded by Johnson to approve of Ordinance Amendment / OA 19-01 with recommended changes to the draft Comprehensive Plan.**

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

20. COUNTY BOARD REPORT  
The Board of Commissioners concurred with the Planning Commission's recommendations from the June 24, 2019, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

There were no motions or actions taken at this time.

22. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for June 2019.
- B. Planning Commission By-Laws. Conover spoke of updating the Planning Commission By-Laws.
- C. Speaker Request Forms. The Planning Commission discussed using the form at meetings moving forward.

D. Zoning Ordinance / Violations. Conover discussed staff working with applicants on current violations and the Planning Director allowing leniency in bringing violations into compliance.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson recognized Commissioner Lasseter for his past leadership on the Planning Commission.

Commissioner Lasseter will not be at the July 22<sup>nd</sup> Planning Commission meeting.

24. ADJOURNMENT

**Moved by Lasseter and seconded by Rivers to adjourn.**

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

**The meeting adjourned at 12:33 p.m.**

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Rich Marsh, Chairperson