

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 12, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Cassie Bolstad, Kristina Proietti, Cody Sack, Jason Theunissen, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 22, 2019, MINUTES
Moved by Lasseter and seconded by Runde to approve the Minutes of the July 22, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Rivers to approve the Agenda of the August 12, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by DiSanto and seconded by Lasseter to approve the Consent Agenda of the August 12, 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 14-24:** Lawrence Meagher and Margaret Chalcraft. To review a single-wide mobile home as a single-family residence in a Low Density Residential Zoning District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Buchholz Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-24 with the following six (6) conditions:

1. **That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;**

2. That the property be kept free of debris and junk vehicles;
3. That the lot address (4121 Apple Tree Road) continue to be posted on the mobile home and posted so it is clearly visible from both directions of travel along Apple Tree Road at all times in accordance with Pennington County's Ordinance #20;
4. That the mobile home has a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;
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; and,
6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-15:** Gerald Meredith. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 3 of SE1/4NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-15 with the following five (5) conditions:

1. That the addresses for the single-family residence and the Caretaker's Residence both be posted so they are visible from School Drive, in accordance with Ordinance #20;
2. That an updated doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dawn Clarkson;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
4. That all future structures meet the minimum required setbacks for a Suburban Residential District or an approved Setback Variance be obtained prior to Building Permit approval; and,

5. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-26:** Richard Burton. To review an existing accessory structure (a garage) and a new accessory structure (a pole barn) prior to a principle structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NE1/4; S1/2SW1/4SW1/4NE1/4; SE1/4SW1/4NE1/4; N1/2N1/2NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 15-26, as it is no longer needed.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-15:** Tom or Lynne Distler. To review a Recreational Vehicle to be used as a temporary residence 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 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

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

To end Conditional Use Permit / CU 16-15, as it is no longer needed.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-31:** Jack Andersen. To review a double-wide mobile home to be used as a caretaker's residence in a General Agriculture District in accordance with Sections 205, and 510 of the Pennington County Zoning Ordinance.

NE1/4; W1/2NW1/4; SE1/4NW1/4; SW1/4; SE1/4; Section 20, T2S, R14E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-31 to the August 26, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-27:** John and Vicki Hansen. To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property (seasonally) and to also allow a carport to cover the Recreational Vehicle and deck in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-27 with the following ten (10) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 5, Black Metal Lode MS 1986) at any time;**
2. **That the RV may not be utilized as living quarters for more than 180 days per calendar year;**
3. **That the applicants be allowed to construct one (1) RV carport and one (1) deck, with the issuance of approved Building Permits;**
4. **That the applicant work with South Dakota Wildland Fire to develop a fire mitigation plan and a copy of the plan be provided to the Planning Department;**
5. **That the address assigned for the property (12491 Tall Pine Road) continue to be clearly posted on the RV while it is being utilized as living quarters and at the driveway, in accordance with Pennington County's Ordinance #20;**
6. **That while the RV is being used as living quarters it be hooked into an approved On-Site Wastewater Treatment System;**
7. **That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;**
8. **That the subject property continues to remain 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; and,**
10. **That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-28:** Harry and Gail McKane. To review living in the existing residence while building a new 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 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-28 with the following eight (8) conditions:

1. **That an approved Floodplain Development Permit be obtained prior to any work being done near or within the Special Flood Hazard Area;**
2. **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;**
3. **That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;**
4. **That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters) unless a Conditional Use Permit is approved to allow the existing residence (hay shed) as a second residence;**
5. **That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
6. **That the temporary living quarters be removed from the hay shed once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first. If the applicants wish to keep the living quarters in the hay shed, a new Conditional Use Permit allowing such use must be applied for once the new single-family residence is habitable;**
7. **That the subject property continually remains free of debris and junk vehicles; and,**
8. **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.**

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-32:** Katrena Roseland. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

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

To approve of the extension of Conditional Use Permit / CU 18-32 with the following seven (7) conditions:

1. **That the addresses for both residences be posted, in accordance with Pennington County's Ordinance #20;**
2. **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;**
3. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
4. **That the subject property remains free of debris and junk vehicles;**
5. **That an updated doctor's note be provided prior to each review of Conditional Use Permit / CU 18-32;**
6. **That once care is no longer needed for Katrena Roseland, either the existing residence or 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 three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT / CU 19-19:** Dale and Sarah Gadbois. To allow a secondary structure prior to a primary residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

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

1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
2. That an approved Approach Permit be obtained from Martin Ranch Trail Road District prior to the installation of a driveway;
3. That an approved Building Permit be obtained for the proposed shed prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
4. That an approved Construction Permit be obtained for the access road to the shed on the property if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) § 507(A) and 511(C)(1);
5. That a Building Permit be obtained for any structures 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 if any plumbing is to be installed in the accessory structure, the shed, it be hooked into an approved means of wastewater disposal;
7. That the proposed shed be used for personal use only and no commercial and or residential-type uses;
8. That all the natural drainage paths be maintained;
9. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
10. That the address, once assigned, be posted during the construction of the shed and at the end of the driveway off of Martin Ranch Trail, so it is visible from both directions of travel on Martin Ranch Trail, in accordance with Pennington County's Ordinance #20;
11. That the applicant adhere to PCZO § 510(E) regarding the time limit on Conditional Use Permit established uses; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

13. **LAYOUT PLAT / LPL 19-23:** Faith Lewis / Robert Crisman. To create Jinks Tract in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4NE1/4 Less Tracts 2, 3, 4, 8A and 8B of Bear Mountain Ranch Subdivision Less Bear Mountain Drive; SW1/4NE1/4 Less Bear Mountain Drive, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Jinks Tract and the unplatted portion of SE1/4NE1/4, less Tracts 2, 3, 4, 8A, and 8B of Bear Mountain Subdivision and less SW1/4SW1/4SE1/4NE1/4, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the withdrawal of Layout Plat / LPL 19-23, per the applicant's request.

Vote: unanimous 7 to 0.

14. **MINOR PLAT / MPL 19-25:** Julie Benson Wilber. To create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of NW1/4SE1/4, Lot A of SW1/4SE1/4, and Lot A of SE1/4SE1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

To recommend to continue Minor Plat / MPL 19-25 to no later than the September 23, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-43:** Border States Paving; Jason Wettels – Agent. To review a temporary asphalt batch plant and contractor's storage area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 18-43 with thirteen (13) conditions.

Discussion followed.

Moved by DiSanto and seconded by Lasseter to continue the review of Conditional Use Permit / CU 18-43 to the August 26, 2019, meeting with the following thirteen (13) conditions.

- 1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;**
- 2. That an approved temporary 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;**
- 3. That any structure that remains after this CUP ends will require a permanent Building Permit.**
- 4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;**
- 5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;**
- 6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;**
- 7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;**
- 8. 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 fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);**
- 10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies**

submitted within seven (7) business days of approval of this Conditional Use Permit;

- 11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;**
- 12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site; and,**
- 13. That this Conditional Use Permit be reviewed in three (3) months, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

15. CONDITIONAL USE PERMIT / CU 19-18: Perry and Vicki Van Newkirk. To allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Vacation Home Rental.

Staff recommended to continue Conditional Use Permit / CU 19-18 to no later than the November 12, 2019, Planning Commission meeting, with the agent's concurrence.

Discussion followed.

Moved by DiSanto and seconded by Johnson to continue Conditional Use Permit / CU 19-18 to no later than the November 12, 2019, Planning Commission meeting, with the agent's concurrence.

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT / CU 19-20: Cody Rust Butler; Jeannie Marr – Agent. To allow an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Tract A of Lot 2 of SW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 19-20 with the following seventeen (17) 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 the website listing(s) for the Vacation Home Rental is updated to correctly state that six (6) overnight occupants are allowed;
3. 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;
4. 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;
5. That each review of Conditional Use Permit / CU 19-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. 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;
7. 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;
8. That a minimum of two (2) 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;
9. 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. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
10. That the lot address (23835 Marshall Gulch Road) be posted on the residence at all times and so it is clearly visible from Marshall Gulch Road, in accordance with Pennington County's Ordinance #20;

11. 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;
12. That if the person designated as the Local Contact is ever changed from Jeannie Marr, 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;
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);
15. 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;
16. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; and,
17. 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 Johnson and seconded by Runde to approve of Conditional Use Permit / CU 19-20 with the following seventeen (17) 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 the website listing(s) for the Vacation Home Rental is updated to correctly state that six (6) overnight occupants are allowed;**
- 3. 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;**

4. 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;
5. That each review of Conditional Use Permit / CU 19-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. 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;
7. 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;
8. That a minimum of two (2) 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;
9. 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. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
10. That the lot address (23835 Marshall Gulch Road) be posted on the residence at all times and so it is clearly visible from Marshall Gulch Road, in accordance with Pennington County's Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from Jeannie Marr, 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;
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);

15. **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;**
16. **That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; and,**
17. **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.**

All voting aye, the Motion carried 7 to 0.

17. 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 and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds 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.

(Continued from the July 8, 2019, Planning Commission meeting.)

Molitor reviewed the Special Consideration to Trailwood Village Planned Unit Development indicating the applicant has applied to reduce the minimum rear yard setback from 25 feet to 23 feet to allow for the construction of a garage and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds.

Staff recommended approval of the Special Consideration of the Trailwood Village Planned Unit Development / PU 19-04 to reduce the minimum rear yard setback from 25 feet to 23 feet to allow for the construction of a garage and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds with the following two (2) conditions:

1. That the minimum rear yard setback is reduced from twenty-five (25) feet to twenty-three (23) feet for the construction of a garage only and the minimum rear and side yard setbacks are reduced from twenty-five (25) feet to eight (8) feet for two (2) existing sheds only; and,
2. That approval of this Special Consideration allows for the construction of a detached garage and to bring into compliance two (2) existing sheds. All other structures must maintain the setback requirements as outlined in the Trailwood

Village PUD or obtain approval of a separate Special Consideration to the Trailwood Village PUD.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve of the Special Consideration of the Trailwood Village Planned Unit Development / PU 19-04 to reduce the minimum rear yard setback from 25 feet to 23 feet to allow for the construction of a garage and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds with the following two (2) conditions:

- 1. That the minimum rear yard setback is reduced from twenty-five (25) feet to twenty-three (23) feet for the construction of a garage only and the minimum rear and side yard setbacks are reduced from twenty-five (25) feet to eight (8) feet for two (2) existing sheds only; and,**
- 2. That approval of this Special Consideration allows for the construction of a detached garage and to bring into compliance two (2) existing sheds. All other structures must maintain the setback requirements as outlined in the Trailwood Village PUD or obtain approval of a separate Special Consideration to the Trailwood Village PUD.**

All voting aye, the Motion carried 7 to 0.

18. LAYOUT PLAT / LPL 19-22: Duane and Margaret Gaulke. To combine lots to create Lot 18R of Gold Mountain Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 17 and Lot 18 of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 18R of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant have applied for a Layout Plat to combine lots to create Lot 18R of Gold Mountain Subdivision.

Staff recommended approval of Layout Plat / LPL 19-22 with the following nine (9) conditions:

1. That at the time of Minor Plat submittal, a minimum of an 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 at the time of Minor Plat submittal, 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 the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
4. That at the time of a Minor Plat submittal, 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;
5. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
6. 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;
7. That the existing onsite wastewater treatment system is pumped and observed and an Observation Form for the system be reviewed and approved by the Planning Department prior to Minor Plat submittal and an approved Operating Permit is obtained prior to the mylar being filed with the Register of Deeds;
8. 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,
9. 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 DiSanto and seconded by Johnson to approve of Layout Plat / LPL 19-22 with the following nine (9) conditions:

- 1. That at the time of Minor Plat submittal, a minimum of an 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 at the time of Minor Plat submittal, 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 the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;**

4. That at the time of a Minor Plat submittal, 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;
5. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
6. 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;
7. That the existing onsite wastewater treatment system is pumped and observed and an Observation Form for the system be reviewed and approved by the Planning Department prior to Minor Plat submittal and an approved Operating Permit is obtained prior to the mylar being filed with the Register of Deeds;
8. 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,
9. 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.

19. LAYOUT PLAT / LPL 19-24 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-07: Olson Rental Properties LLC; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Rand Lode Subdivision and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1 and 2 of Rand Lode Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 19-07 to waive submittal of the following platting requirements: (1.) Section 500.5, Table 1: road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road); and, (2.) Section 500.5, 1a, 3a: the maximum number of lots an access easement shall serve in a Limited Agriculture District.

Staff recommended approval of Layout Plat / LPL 19-24 with the following six (6) conditions:

1. That prior to filing the Minor Plat with the Register of Deeds, proposed Lot 1 and Lot 2 obtain an approved Lot Size Variance or be Rezoned appropriately;
2. That at the time of Minor Plat submittal, the Plat signature page be corrected, per Department of Equalization comments;
3. 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 Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures 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 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 Johnson and seconded by Runde to approve of Subdivision Regulations Variance / SV 19-07 to waive submittal of the following platting requirements: (1.) Section 500.5, Table 1: road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road); and, (2.) Section 500.5, 1a, 3a: the maximum number of lots an access easement shall serve in a Limited Agriculture District.

All voting aye, the Motion carried 7 to 0.

Moved by Johnson and seconded by Lasseter to approve of Layout Plat / LPL 19-24 with the following six (6) conditions:

- 1. That prior to filing the Minor Plat with the Register of Deeds, proposed Lot 1 and Lot 2 obtain an approved Lot Size Variance or be Rezoned appropriately;**
- 2. That at the time of Minor Plat submittal, the Plat signature page be corrected, per Department of Equalization comments;**
- 3. 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 Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;

- 4. That the applicant ensures 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 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.

- 20. REZONE / RZ 19-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-11: Olson Rental Properties LLC; Fisk Land Surveying – Agent. To rezone 20.19 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 20.19 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Limited Agriculture District.

Staff recommended approval of Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11.

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11.

All voting aye, the Motion carried 7 to 0.

- 21. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the July 22, 2019, Planning Commission meeting.
- 22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

A. Building Permit Report. Bolstad reviewed the July 2019 Building Permit Report.

24. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

25. ADJOURNMENT

Moved by Lasseter and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:46 a.m.

Rich Marsh, Chairperson