

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 26, 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: Cassie Bolstad, PJ Conover, Kristina Proietti, Cody Sack, Jason Theunissen, and Michael Hofmann (SAO).

ROLL CALL

1. APPROVAL OF THE AUGUST 12, 2019, MINUTES
Moved by Lasseter and seconded by Runde to approve the Minutes of the August 12, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by DiSanto and seconded by Runde to approve the Agenda of the August 26, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Johnson and seconded by Rivers to approve the Consent Agenda of the August 26, 2019, Planning Commission meeting with the removal of Items #12, #13, #14 and #15. 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 01-01:** Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The North 175 feet and the West 250 feet of Lot D, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 01-01 to no later than the October 28, 2019, Planning Commission meeting, in order for staff to meet with the landowner.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-14:** Darrell and Mary Harkin. To review a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 15-14 to the September 23, 2019, Planning Commission meeting to allow the applicant time to obtain a Building Permit for the existing double-wide mobile home.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-16:** Nick Hobart. To review a guest house on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-16 with the following four (4) conditions:

1. **That the lot address (11479 Gillette Prairie Road) assigned for the Guest House be continually posted on the residence and at the end of the driveway, so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;**
2. **That the Guest House continually be utilized and maintained in accordance with the requirements of Pennington County Zoning Ordinance Section 318;**
3. **That if the Guest House is not used in accordance with Section 318, this Conditional Use Permit will be automatically revoked; and,**
4. **That this Conditional Use Permit be reviewed in five (5) years, 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.**

Vote: unanimous 7 to 0.

6. **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.

(Continued from the August 12, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 17-31 with the following seven (7) conditions:

- 1. That the addresses for both the existing 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 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 General Agriculture 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 during each review of Conditional Use Permit / CU 17-31;**
- 6. That once care is no longer needed for Jack and Sandra Andersen, 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 two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

- 7. CONDITIONAL USE PERMIT REVIEW / CU 18-29: Denny and Lea Henrikson. To review living in an existing shop building, while building single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.**

Lot 10, Back Country Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 18-29 to no later than the November 12, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-33:** Fatter Boys, Inc. / Bob Fuchs. To review three (3) illuminated signs within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 9, Spring Creek Palisades Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-33 with the following five (5) conditions:

1. **That all lighting continue to 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 continue to be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;**
2. **That an approved Floodplain Development Permit is obtained *prior* to any disturbance within the Special Flood Hazard Area located on the subject property;**
3. **That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;**
4. **That the signs continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,**
5. **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 Conditionals of Approval are being met.**

Vote: unanimous 7 to 0.

9. **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.

(Continued from the August 12, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 18-43 to the September 9, 2019, Planning Commission meeting with the following fourteen (14) 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) of the PCZO;
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;

13. That the applicant pays a \$100.00 continuation fee in accordance with § 511(X) of the PCZO; and,
14. That this Conditional Use Permit be reviewed at the September 9, 2019, Planning Commission meeting, 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.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 19-07:** Black Hills Kart Racing, LLC / David Price. To review a dirt track to be used for dirt track kart racing on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

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

To continue the review of Conditional Use Permit / CU 19-07 to no later than the September 23, 2019, Planning Commission meeting, in order for staff to meet with the agent on site.

Vote: unanimous 7 to 0.

11. **PLANNED UNIT DEVELOPMENT REVIEW / PU 01-05:** William Anderson, Cliff and Billy Janis, and S-L Holdings LLC. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 1 and Tract 2, of KWA Subdivision and NE1/4SE1/4 Less KWA Subdivision Less Lot H-1 of S1/2NE1/4SE1/4, all located in Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Planned Unit Development / PU 01-05 to no later than the October 28, 2019, Planning Commission meeting, in order for staff to meet with the landowners located within the Planned Unit Development.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

12. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-06: Coyote Blues Vintage Bed and Breakfast. To review the existing Planned Unit Development to allow the road to be constructed with a 12-foot-wide minimum surface area width and 4 inches of gravel; that a maximum of 10 bedrooms be utilized in the bed and breakfast establishment with a maximum occupancy of 24 persons at any one time; to remove Condition #13; and that the specific uses of this Planned Unit Development be for a resort development consisting of a 10 bedroom bed and breakfast and a residential development not exceeding 1 residence per 10 acres in accordance with Section 213 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

Commissioner Runde asked to have this Item removed from the Consent Agenda, in order to recuse herself from the vote.

Staff recommended approval of the extension of Minor Planned Unit Development Amendment / PU 17-06 with eleven (11) conditions.

Discussion followed.

Moved by Coleman and seconded by Lasseter to approve of the review of Minor Planned Unit Development Amendment / PU 17-06 with the following eleven (11) conditions:

- 1. That the proposed roads (driveways) within the Planned Unit Development be constructed to a minimum twelve (12) foot-wide minimum surface width and four (4) inches of gravel;**
- 2. That a Floodplain Development Permit be obtained for any existing or proposed construction or development within the area on the property located in a federally designated floodplain (Special Flood Hazard Area);**
- 3. That a Sales Tax License from the South Dakota Department of Revenue continue to be maintained while operating the proposed bed and breakfast;**
- 4. That the “Coyote Blues Village Bed and Breakfast” continue to be registered with the Department of Health and maintain a Specialty Resort License while operating the proposed bed and breakfast;**
- 5. That a minimum of ten (10) off-street parking spaces be provided for guest parking, and two (2) parking spaces be provided for the owners personal use. Each parking space shall not be less than one hundred sixty-two square feet, or nine feet by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**

6. That a maximum of ten (10) bedrooms be utilized in the bed and breakfast establishment and a 2-bedroom residential owner suite, with a maximum occupancy of twenty-four (24) persons at any one time;
7. That no wood shake shingles be allowed as requested by the Pennington County Fire Coordinator;
8. That the specific uses of this Planned Unit Development be for a resort development consisting of a ten (10) bedroom bed and breakfast and a residential development, not exceeding one residence per ten acres;
9. That the required setbacks for all structures be a minimum of 25 feet from the property lines;
10. That the owner(s) notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 17-06, may be brought forth for review; and,
11. That this Planned Unit Development be reviewed in three (3) years, on 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 0. Commissioner Runde abstained.

13. CONSTRUCTION PERMIT REVIEW / CP 18-01: R.C.S Construction, Inc. To review the installation of a 33-inch trunk sanitary sewer line from Southside Drive north along Reservoir Road.

Sections 22 and 23, all located in T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff asked to have this Item removed from the Consent Agenda in order to allow public comment, as is required by Ordinance and the Storm Water Manual for Construction Permits.

Sack stated Staff recommended the Planning Director end Construction Permit / CP 18-01.

Discussion followed.

14. CONSTRUCTION PERMIT REVIEW / CP 18-09: Don and Karen Weber. To review placing fill and leveling an area for an existing project.

Lot 2, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda in order to allow public comment, as is required by Ordinance and the Storm Water Manual for Construction Permits.

Sack stated Staff recommended the Planning Director end Construction Permit / CP 18-09.

15. CONSTRUCTION PERMIT REVIEW / CP 19-02: Site Work Specialists, Inc. To review the construction of a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts, and to add a common utility trench for power and communications.

NE1/4NE1/4, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

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

Staff asked to have this Item removed from the Consent Agenda in order to allow public comment, as is required by Ordinance and the Storm Water Manual for Construction Permits.

Sack stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 19-02 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
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 by the contractor 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 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 Director to determine if all Conditions of Approval are being met;

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 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;
10. That any portion of disturbed area that remain dormant for more than fourteen (14) days be stabilized and re-vegetated.
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO; and,
12. That this Construction Permit be reviewed at the September 23, 2019, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.

Discussion followed.

16. CONDITIONAL USE PERMIT / CU 19-21: Ryan and Dawn Loraas. To allow an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

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

Theunissen 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 19-21 with the following thirteen (13) conditions:

1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) § 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO § 319(F)(13);
2. That each review of Conditional Use Permit / CU 19-21, be subject to PCZO §511(F)(4), 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 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 provided to the Planning Department upon request;
5. 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;
6. 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;
7. That the lot address (205 Danube Lane) be posted on the residence and be clearly visible from Danube Lane at all times, 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 Julie Mechaley, 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 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 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 Marsh and seconded by Johnson to approve of Conditional Use Permit / CU 19-21 with the following thirteen (13) conditions:

- 1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) § 319(F)(1), be limited to ten (10) people and the**

maximum daytime occupancy be limited to twenty (20) people, per PCZO § 319(F)(13);

2. That each review of Conditional Use Permit / CU 19-21, be subject to PCZO §511(F)(4), 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 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 provided to the Planning Department upon request;
5. 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;
6. 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;
7. That the lot address (205 Danube Lane) be posted on the residence and be clearly visible from Danube Lane at all times, 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 Julie Mechaley, 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 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 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. CONDITIONAL USE PERMIT / CU 19-22: Michael and Soraya Pellan. To allow an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, 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 19-22 with the following thirteen (13) conditions:

1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) § 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO § 319(F)(13);
2. That each review of Conditional Use Permit / CU 19-22, be subject to 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 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;
6. 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;

7. That the lot address (140 Swiss Drive) 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 Patrick Coupens, 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 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 at the June 22, 2020, Planning Commission meeting (to coincide with the review of Variance / VA 19-05), 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 Runde and seconded by Johnson to approve of Conditional Use Permit / CU 19-22 with the following thirteen (13) conditions:

- 1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) § 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO § 319(F)(13);**
- 2. That each review of Conditional Use Permit / CU 19-22, be subject to 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 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;
6. 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;
7. That the lot address (140 Swiss Drive) 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 Patrick Coupens, 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 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 at the June 22, 2020, Planning Commission meeting (to coincide with the review of Variance / VA 19-05), 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 6 to 1. Commissioner DiSanto voted no.

18. REZONE / RZ 19-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-12: Julie Benson Wilber. To rezone 4.606 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Commencing at the northern most corner of Lot A of the NW1/4 of the SE1/4, common to a point on the Section 1/4 line and common to a point on the westerly edge of Nemo Road right-of-way, and the Point of Beginning. Thence, first course: S 19°26'20" E, along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of-way, a distance of 647.91 feet; Thence, second course: along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of way, on a curve turning to the left with an arc length of 177.10 feet, a delta angle of 31°45'43", a radius of 319.48 feet, a chord bearing of S35°19'12"E, and a chord length of 174.85 feet; Thence, third course: S 51°11'59" E, along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of-way, a distance of 359.04 feet; Thence, fourth course: N 90°00'00" W, a distance of 587.31 feet, to a point on the westerly boundary of said Lot A, common to a point on the said Section 1/4 line; Thence, fifth course: N 00°32'23" W, along the westerly boundary of said Lot A, common to the said Section 1/4 line, a distance of 978.66 feet, to the said Point of Beginning. Said Parcel contains 4.606 acres more or less; Section 15, T2N, R6E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Proietti reviewed the Staff Report indicating the applicant has applied to rezone 4.606 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

Staff recommended approval of Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12.

Discussion followed.

Moved by Rivers and seconded Lasseter to approve of Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12.

All voting aye, the Motion carried 7 to 0.

19. RECONSIDERATION OF MINOR PLAT / MPL 19-19: David Grover. To create Lot 1 of Buzmar 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 Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant is requesting a Reconsideration of Minor Plat / MPL 19-19 to create Lot 1 of Buzmar Subdivision.

Staff recommended approval of the Reconsideration 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;
1. 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 Buzmar 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 Buzmar 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.

Moved by Coleman and seconded by Lassetter to recommend approval of the Reconsideration 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 Buzmar 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 Buzmar 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.**

All voting aye, the Motion carried 7 to 0.

CONSTRUCTION PERMIT AGENDA

20. CONSTRUCTION PERMIT / CP 19-11: Jeff and Marcia Spilker. To bring in fill and grade for a future residence and garage.

Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

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

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
4. 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;
5. That all natural drainage ways and paths be continually maintained;
6. 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 Director to determine if all Conditions of Approval are being met;
7. 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;
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 14 days after the Construction Activity has stopped. 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) of the PCZO;
10. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,

11. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.
21. CONSTRUCTION PERMIT / CP 19-12: Site Work Specialists. To perform work to install a graveled access road to include common utility trench on the subject property.

W1/2NW1/4; SE1/4NW1/4, Section 8, T1N, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 19-12 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately*, upon the disturbance of the site, and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington County Zoning Ordinance (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
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 by the contractor 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 Quality Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. 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 Director to determine if all Conditions of Approval are being met;
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 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;

10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
11. That the applicant and the landowner sign a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 19-12, which is available at the Planning Office; and,
12. That this Construction Permit be reviewed in six (6) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.

END OF CONSTRUCTION PERMIT AGENDA

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 12, 2019, Planning Commission meeting.

23. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

24. ITEMS FROM THE STAFF

- A. Update - Comprehensive Process. Conover stated the Comprehensive Plan is proposed to go in front of the Board of Commissioners at the October 15, 2019, meeting, but the date has not been finalized. Public comment will be taken at this time and a representative from Matrix will be present.
- B. Update - 2020 Census Update. Conover stated the Planning Department is a liaison for the 2020 Census and gave an update on the process.
- C. Zoning Ordinance Update. Conover stated the Planning Commissioners have been given updated Zoning Ordinance books.

25. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of Vacation Home Rental requirements. Commissioner Rivers spoke of Construction Permit requirements.

26. ADJOURNMENT.

Moved by Coleman and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:05 a.m.

Rich Marsh, Chairperson