

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sonny Rivers, Travis Lasseter, Jim Coleman, Kathy Johnson, Sandra Runde, Ron Rossknecht.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Cody Sack, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. **APPROVAL OF THE AUGUST 26, 2019, MINUTES**
Moved by Runde and seconded by Rossknecht to approve the Minutes of the August 26, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. **APPROVAL OF THE AGENDA**
Moved by Johnson and seconded by Lasseter to approve the Agenda of the September 9, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the September 9, 2019, Planning Commission meeting. 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 11-22:** Jeff Sadergaski. To review a home occupation (detailing and refurbishing small engine equipment and motorcycles) in a detached garage in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot D of NE1/4NW1/4 less Lot H1, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 11-22 with the applicant's concurrence, as it is no longer needed.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-23:** Perry and Gretchen Strombeck. To review a caretaker's 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 1, Strombeck Subdivision, Section 34, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-23 with the following six (6) conditions:

1. That the addresses for the single-family residence and the caretaker's residence both continue to be posted so they are visible from Horse Creek Road, in accordance with Pennington County's 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 Clay Strombeck;
3. 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;
4. That all future structures be located outside of the 100-year floodplain boundary or an approved Floodplain Development Permit is obtained prior to Building Permit approval;
5. That all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval; 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 County Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-33:** Clinton Nulle. To review a single-wide mobile home to be used as a permanent single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-33 with the following eight (8) conditions:

1. That the subject property remains free of debris and junk vehicles;
2. That the minimum setback requirements of a Suburban Residential District be continually maintained or a Variance be approved by the Board of Adjustment for any encroachment;
3. That the single-wide mobile home continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
4. That CFR 60.3(b)(8) standards continue to be met using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces;
5. 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;
6. That the address (785 C&F Avenue) continues to be clearly posted on the residence and so that it is visible from C&F Avenue, in accordance with Pennington County's Ordinance #20;
7. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property; and,
8. 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.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-22:** Pamela Phillips. To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

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

To continue the review of Conditional Use Permit / CU 17-22 to the November 25, 2019, Planning Commission meeting, with the applicant's concurrence.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-05**: Harry and Rosina Hilgemann; Bret Hilgemann – Agent. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 204-D, 208, and 510 of the Pennington County Zoning Ordinance.

Parcel C less Lots H1 and H2 and less 40-foot-wide dedicated right-of-way, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-05 with the applicant's concurrence.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-43**: Border States Paving. 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 26, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 18-43 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 November 12, 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 6 to 0.

9. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-01:** Karen Moore. To review the existing Planned Unit Development to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

Parcel A, B, and C, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 17-01 with the following forty (40) conditions:

- 1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;**
- 2. That the number of guests continue to be limited to 25 people;**
- 3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;**
- 4 That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;**
- 5. That the applicant continue to obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;**
- 6. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;**
- 7. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;**
- 8. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;**
- 9. That a minimum 10 foot separation be maintained at all times between each RV site;**
- 10. That the RV site continue to have a lot number clearly posted;**
- 11. That Parcel B include a new request for five (5) RV sites;**
- 12. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;**

13. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
14. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
15. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1) bathhouse and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;
16. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
17. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 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;
18. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 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;
19. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
20. That, for Parcel C, the private well located on the property serve as the water source to the property;
21. 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;
22. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as

determined by the Planning Director shall require an amendment to this Planned Unit Development;

23. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
24. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
25. That no future drainfield be located within the areas designated as floodway;
26. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
27. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;
28. That the address assigned to each property continue to be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
29. That the physical address for the residence continue to be posted in each guest room utilized for the Guest House / Bed and Breakfast;
30. That a guest list is maintained and smoke detectors placed in each sleeping room;
31. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
32. That a portable fire extinguisher with a minimum 2 A-BC rating continue to be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
33. Quiet hours shall be from 10 p.m. until 7 a.m.;
34. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace or the burning of any flammable

material. All authorized open fires shall be extinguished by 10 p.m.;

- 35. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;**
- 36. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;**
- 37. That the subject property remains free of debris and junk vehicles;**
- 38. That all single-family residences must meet the standards for stick-built as outlined in Section 204;**
- 39. That a Building Permit is obtained for the 14' x 30' (approximate) shed; and,**
- 40. That this Planned Unit Development 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 6 to 0.

- 10. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-05: Tanner Colburn. To review the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line in accordance with Section 213 of the Pennington County Zoning Ordinance.**

Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the October 14, 2019, Planning Commission meeting with the following three (3) conditions:

- 1. That the applicant work with the utility company to relocate the enclosed electric meter to the outside of the structure or reconstruct the rear of the garage to be an open patio no later than October 7, 2019;**
- 2. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet from all property lines, with the exception of the parameters of the garage shown on COBP17-0090; and,**
- 3. That if additional continuations are required beyond October 14, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with §511(X).**

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

11. LAYOUT PLAT / LPL 19-26: William and Makaley Parsons. To create Lots A and B of Knotty Pine Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 11 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A and Lot B, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots A and B of Knotty Pine Subdivision.

Staff recommended approval of Layout Plat / LPL 19-26 with the following eight (8) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots A and B obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time of Minor Plat submittal, 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;
3. 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;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot B and at the approaches so they are visible from both directions of travel on Knotty Pine Road, in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington

County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

8. 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 Runde and seconded by Lasseter to approve of Layout Plat / LPL 19-26 with the following eight (8) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lots A and B obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. That at the time of Minor Plat submittal, 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;**
- 3. 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;**
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot B and at the approaches so they are visible from both directions of travel on Knotty Pine Road, in accordance with Pennington County's Ordinance #20;**
- 6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,**
- 8. 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 6 to 0.

CONSTRUCTION PERMIT AGENDA

12. CONSTRUCTION PERMIT REVIEW / CP 99-43: Pete Lien & Sons. To review a Construction Permit to allow for mining activities in accordance with Section 507 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

Molitor stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 99-43 with the following six (6) conditions:

1. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;
 2. That the conditions of approval of the “Part 70 Air Quality Permit” (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;
 3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #93-100 and Mining Permit #216) be continually met;
 4. That a “Haul Road Agreement” be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials;
 5. That a maximum of 10 million tons of mined material be quarried from the property; and,
 6. That the Construction Permit be reviewed in five (5) years, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to ensure the Conditions of Approval are being met.
13. CONSTRUCTION PERMIT REVIEW / CP 99-44: Pete Lien & Sons. To review a Construction Permit to allow for mining activities in accordance with Section 507 of the Pennington County Zoning Ordinance.

Sections 12, 13, 24, and 25, T2N, R6E and Sections 7, 17, 18, 19, 20, 30, T2N, R7E, BHM, Pennington County, South Dakota.

Molitor stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 99-44 with the following nine (9) conditions:

1. That the 15-foot high berm, located along the residential district, remain in place;

2. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;
 3. That the conditions of approval of the “Part 70 Air Quality Permit” (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;
 4. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-100 and Mining Permit #216) be continually met;
 5. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License when it is renewed to verify the amount of material mined at the site;
 6. That a Floodplain Development Permit is obtained for any disturbance within the designated Special Flood Hazard Area;
 7. That a maximum of 100 million tons of mined material be quarried from the property;
 8. That a “Haul Road Agreement” be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials; and,
 9. That the Construction Permit be reviewed in five (5) years, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to ensure the Conditions of Approval are being met.
14. CONSTRUCTION PERMIT REVIEW / CP 17-10: Site Work Specialist, Inc. To review excavating and stockpiling of material for off-site use for South Valley Drive property in a Planned Unit Development District in accordance with Sections 213 and 507 of the Pennington County Zoning Ordinance

Lot 3 of Lot B, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 17-10 with the following five (5) conditions:

1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of 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 requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c); and,
5. That this Construction Permit be reviewed at the May 25, 2020, Planning Commission meeting or as directed by the Planning Director.

15. CONSTRUCTION PERMIT / CP 19-13: James Quinn. To bring in fill and grade for a creek crossing in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

E1/2NW1/4 Less Green Mountain Subdivision and Right-of-Way and NE1/4 Less E525 feet and Green Mountain Subdivision, Section 19, T2N, R6E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 19-13 with the following thirteen (13) 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 obtains the proper Permits from the State of South Dakota and/or the Army Corps of Engineers if a Permit is required;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
5. 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;
6. 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;
7. That all natural drainage ways and paths be continually maintained;

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 Director 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 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,
13. That this Construction Permit be reviewed in one (1) year or as directed by the Planning director to ensure that the applicant is meeting all conditions.

END OF CONSTRUCTION PERMIT AGENDA

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 26, 2019, Planning Commission meeting.

17. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for August 2019.
- B. Comprehensive Plan Update. Conover stated the proposed Draft Comprehensive Plan / Ordinance Amendment 19-01 will be heard by the Board of Commissioners on November 5, 2019, at 8 a.m.
- C. October 14, 2019, Planning Commission meeting (Columbus Day / Native American Day). Conover noted that the County Offices are open and the Planning Commission will hold their regular meeting on this day.

19. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson discussed Vacation Home Rentals and Construction Permits.

20. ADJOURNMENT

Moved by Runde and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:28 a.m.

Sonny Rivers, First Vice Chairperson