

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 10, 2020 @ 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 Ron Rossknecht.

STAFF PRESENT: Brittney Molitor, Stephanie Jansen, Cody Sack, TJ Doreff, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. **APPROVAL OF THE JANUARY 27, 2020, MINUTES**
Moved by Johnson and seconded by Lasseter to approve the Minutes of the January 27, 2020, Planning Commission meeting, with a correction on Item #11 (page 9) to indicate the Motion carried 6 to 0. Vote: unanimous 7 to 0.

2. **APPROVAL OF THE AGENDA**
Moved by Lasseter and seconded by Runde to approve the Agenda of the February 10, 2020, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Lasseter and seconded by Rossknecht to approve the Consent Agenda of the February 10, 2020, Planning Commission meeting, with the removal of Items #4 and #6. 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 14-35:** Brad Nible. To review a multiple-family dwelling in a Suburban Residential District, to rent out the home/basement, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block 1, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-35 with the following six (6) conditions:

1. **That a minimum of six (6) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet x eighteen (18) feet with gravel, concrete or asphalt, and maintained in a dust-free manner;**

2. That the property continue to be kept free of debris and junk vehicles;
3. That the addresses of each unit continue to be posted so they are visible from School Drive in accordance with Pennington County Ordinance #20;
4. That smoke alarms continue to be installed and/or properly maintained in working order in each unit prior to occupancy;
5. That a Building Permit be obtained for any structures over 144 square feet or permanently anchored to the ground on the property, 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 either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-45:** Caputa Community Cemetery. To review a community cemetery in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Caputa Community Cemetery, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the January 27, 2020, Planning Commission meeting.)

To approve the extension of Conditional Use Permit / CU 18-45 with the following five (5) conditions:

1. That the cemetery continually conforms to all regulations outlined in § 307 of the Pennington County Zoning Ordinance;
2. That the cemetery and the applicant continually complies with South Dakota Codified Law (SDCL) § 34-27, which regulates Cemeteries and Burial Records;
3. That the applicant obtain an approved Approach Permit from the County Highway Department for access to the cemetery;
4. That an address continue to be posted in accordance with Pennington County Ordinance #20; and,
5. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. **MINOR PLAT / MPL 20-01**: Gordon Howie. To reconfigure lot lines to create Lot 4R and Lot 5R of Bromegrass Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 and Lot 5, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R and Lot 5R, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 20-01 with the following (six) conditions.

1. **That at the time of Minor Plat submittal, the Plat contain a 40-foot wide access easement between Lot 4R and Lot 7 that would allow current access from Antelope Creek Road to Lot 5R or an approved Approach Permit be obtained for Lot 5R from Antelope Creek Road;**
2. **That prior to filing the Plat with the Register of Deeds, all previous lot lines be identified on the Plat;**
3. **That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations 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 an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area.**

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

4. CONDITIONAL USE PERMIT REVIEW / CU 15-25: Rushmore Shadows, LLC. To review a Recreational Resort in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

Chairman Marsh asked that this Item be removed from the Consent Agenda for discussion, per a member of the public.

Staff recommended approval of the extension of Conditional Use Permit / CU 15-25 with the following seventeen (17) conditions:

1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;
2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;
4. That no more than 50 tent sites be allowed;
5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
7. That each RV site be equipped with water and electric hook-ups;
8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
9. That a minimum 10-foot separation be provided between each RV site;
10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;

11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
13. That the Recreational Resort continue to conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;
15. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
16. That the septic tanks for systems 5, 7, and 8 be upgraded in accordance with DENR's recommendation within two (2) years of approval of the extension of this Conditional Use Permit or this Conditional Use Permit will be recommended to end; 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 and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by Runde to approve of the extension of Conditional Use Permit / CU 15-25, with an amendment to the language in Condition #16, with seventeen (17) conditions.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Rivers and seconded by Johnson to approve of the extension of Conditional Use Permit / CU 15-25 with the following seventeen (17) conditions:

- 1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;**

2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;
4. That no more than 50 tent sites be allowed;
5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
7. That each RV site be equipped with water and electric hook-ups;
8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
9. That a minimum 10-foot separation be provided between each RV site;
10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
13. That the Recreational Resort continue to conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;

15. **That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;**
16. **That the septic tanks for systems 5, 7, and 8 be upgraded in accordance with DENR's recommendation within two (2) years of approval of the extension of this Conditional Use Permit or this Conditional Use Permit will be recommended to end; 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 and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

6. CONDITIONAL USE PERMIT / CU 20-01: RCS Construction / RC Scull. To allow a contractor's equipment storage yard on the subject property in a General Agriculture District and Limited Agriculture District in accordance with Sections 205, 206, and 510 of the Pennington County Zoning Ordinance.

N1/2 Less ROW, Less Tract in NW1/4NW1/4, Less Lot H1 in SE1/4NE1/4, and Less Lot H1 in NE1/4NE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Chairman Marsh asked that this Item be removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit / CU 20-01 with the following nine (9) conditions.

1. That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;
2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;
3. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
4. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;
5. That erosion control measures be implemented around the site to prevent sediment leaving the site;
6. That adequate space is provided for parking in the storage yard;

7. That upon completion of the project, all equipment, structures, and stockpiles associated with the contractor's storage yard must be removed;
8. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual; and,
9. That this Conditional Use Permit be reviewed in one (1) year, 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.

Discussion followed.

Moved by Lasseter and seconded by Rivers to approve of Conditional Use Permit / CU 20-01 with the following ten (10) conditions.

- 1. That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;**
- 2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;**
- 3. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;**
- 4. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;**
- 5. That erosion control measures be implemented around the site to prevent sediment leaving the site;**
- 6. That adequate space is provided for parking in the storage yard;**
- 7. That an approved Floodplain Development Permit is obtained within 30 days of approval of the Conditional Use Permit;**
- 8. That upon completion of the project, all equipment, structures, and stockpiles associated with the contractor's storage yard must be removed;**
- 9. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual; and,**
- 10. That this Conditional Use Permit be reviewed in one (1) year, 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.

8. PLANNED UNIT DEVELOPMENT / PU 19-05: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development.

Staff recommended approval of Planned Unit Development / PU 19-05 rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development with the following twenty-two (22) conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and commercial businesses;
2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;
3. That the commercial businesses be limited to those uses permitted under Sections 209 (General Commercial District) and 210 (Highway Service District) of the PCZO;
4. That an Engineered Drainage Study is performed and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;
7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;

8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;
9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
10. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;
13. That a Building Permit be obtained for any structures 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;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;
15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;
17. That Pennington County's Drainage Engineer and Pennington County's Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for water protection;
18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;
19. That all roads be maintained in a dust free manner;

20. That all-natural drainage ways be maintained;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,
22. That Planned Unit Development / PUD 19-05, 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.

Discussion followed.

Commissioner Rossknecht left the meeting at 10:34 a.m.

Commissioner Rossknecht returned to the meeting at 10:35 a.m.

Moved by Travis and seconded by Runde to approve of Planned Unit Development / PU 19-05 to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development with the following twenty-three (23) conditions:

- 1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to thirty-two (32) multi-family dwelling units that include duplexes, triplexes, and four-plexes; and neighborhood commercial businesses;**
- 2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;**
- 3. That the commercial businesses be limited to those neighborhood commercial businesses as allowed in Section 302 of the PCZO;**
- 4. That an Engineered Drainage Study is performed by the applicant's engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;**
- 5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;**
- 6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;**

7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;
8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;
9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
10. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;
13. That a Building Permit be obtained for any structures 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;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;
15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;
17. That Pennington County's Drainage Engineer and Pennington County's Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for fire protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;
19. That all roads be maintained in a dust free manner;
20. That all-natural drainage ways be maintained;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO;
22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,
23. That Planned Unit Development / PUD 19-05, 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.

All voting aye, the Motion carried 7 to 0.

9. COMPREHENSIVE PLAN AMENDMENT / CA 20-01: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District.

Staff recommended approval of Comprehensive Plan Amendment / CA 20-01.

Discussion followed.

Moved by Runde and seconded by Rossknecht to approve of Comprehensive Plan Amendment / CA 20-01.

All voting aye, the Motion carried 7 to 0.

10. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses

Staff recommended approval of Major Planned Unit Development Amendment / PU 19-06 with the following twenty-two (22) conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and commercial businesses;
2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;
3. That the commercial businesses be limited to those uses permitted under Sections 209 (General Commercial District) and 210 (Highway Service District) of the PCZO;
4. That an Engineered Drainage Study is performed and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;
7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;
8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment

system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
10. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;
13. That a Building Permit be obtained for any structures 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;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;
15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;
17. That Pennington County's Drainage Engineer and Pennington County's Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for water protection;
18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;
19. That all roads be maintained in a dust free manner;
20. That all natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,
22. That Planned Unit Development / PUD 19-06, 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.

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of Major Planned Unit Development Amendment / PU 19-06 with the following twenty-three (23) conditions:

- 1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and neighborhood commercial businesses;**
- 2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;**
- 3. That the commercial businesses be limited to those neighborhood commercial businesses as allowed in Section 302 of the PCZO;**
- 4. That an Engineered Drainage Study is performed by the applicant's engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;**
- 5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;**
- 6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;**
- 7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;**
- 8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater**

treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
10. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;
13. That a Building Permit be obtained for any structures 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;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;
15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;
17. That Pennington County's Drainage Engineer and Pennington County's Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for fire protection;
18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;
19. That all roads be maintained in a dust free manner;
20. That all natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,
22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,
23. That Planned Unit Development / PUD 19-06, 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.

All voting aye, the Motion carried 7 to 0.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

Commissioner Runde left the meeting at 11:05 a.m.

11. CONSTRUCTION PERMIT / CP 20-02: RCS Construction. To allow topsoil / asphalt milling stockpiles and to crush asphalt on the subject property.

N1/2 Less ROW, Less Tract in NW1/4NW1/4, Less Lot H1 in SE1/4NE1/4, and Less Lot H1 in NE1/4NE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-02 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) of the PCZO;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That if there is a change in the floodplain or the work within the floodplain, the applicant updates their Floodplain Development Permit;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;

5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 6. That all natural drainage ways and paths be continually maintained;
 7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
 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 signs a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 20-02; and,
 12. That this Construction Permit be reviewed in one (1) year, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
12. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the January 27, 2020, Planning Commission meeting.
13. ITEMS FROM THE PUBLIC
No motions or actions were taken at this time.
14. ITEMS FROM THE STAFF
A. Building Permit Report. Molitor reviewed the Building Permit Report for January 2020.
15. ITEMS FROM THE MEMBERSHIP
Chairman Marsh discussed how property owners can be made aware of the packet agenda that is placed on the Planning Department's website, prior to a Planning Commission meeting.

Commissioner Runde returned to the meeting at 11:07 a.m.

Commissioner Johnson spoke of the By-Laws for the Planning Commission.

16. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:11 a.m.

Rich Marsh, Chairperson