

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 23, 2020 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Sandra Runde, Kathy Johnson (teleconference), and Sonny Riverss (teleconference).

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Cody Sack, Michaelae Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MARCH 9, 2020, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the March 9, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Runde to approve the Agenda of the March 23, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 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 71-04:** David and Andrea Allard. To review a mobile home park in a General Commercial District in accordance with Sections 209, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR RTY Across Lot 1, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 71-04 to the June 22, 2020, Planning Commission meeting in order to allow the landowner to fix the existing violations with the following (1) condition:

1. **That any continuation after the June 22, 2020 Planning Commission meeting, will be subject to a \$100.00 continuation fee in accordance with Section 511(X) of the Pennington County Zoning Ordinance.**

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-03:** Michael Howe. To review a dog/cat boarding kennel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Engesser Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 10-03 with the following eleven (11) conditions:

1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the home occupation. Any expansion beyond this will require an amendment for this Conditional Use Permit to be applied for;
2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;
3. That reasonable measures continue to be taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;
4. That the applicant continues to adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization's activities;
5. That the address, 8507 Dunn Road, continue to be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;
6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
7. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
8. That a minimum of eight (8) off-street parking spaces continue to be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;

10. That any change in the use or expansion of the kennel, would require approval by the Humane Society and, at a minimum, a review by the Planning Department. This Conditional Use Permit may need to be re-advertised and new notices resent if the change or expansion requires a hearing in front of the Planning Commission; and,
11. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or by the Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-29:** Jim or Mary Scull. To review a cabin to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 15-29 with the following five (5) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the residence continues to be occupied by a ranch hand or continues to be used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
3. That the addresses (12090 White Horse Road for the primary residence and 12095 White Horse Road for the ranch hand's residence) continue to be clearly posted on each residence, at the approach (driveway), so as to be visible from both directions of travel on White Horse Road, in accordance with Pennington County's Ordinance #20;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit; and,
5. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-02:** Eva Olson. To review a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of E1/2E1/2SW1/4NW1/4 lying S of Hwy 14-16 ROW less W 97 ft; SE1/4NW1/4 lying S of Hwy 14-16 ROW; SW1/4NE1/4 lying S of Hwy 14-16 ROW; That PT of SW1/4NE1/4 lying between I-90 and Hwy 14-16 ROW; That PT of E1/2E1/2NW1/4NW1/4 lying S of Hwy 14-16 ROW, Section 27, T2N, R10E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-02 with the following eight (8) conditions:

1. **That the property address (15715 Highway 14/16) continues to be posted both on the residence and at the end of the driveway so it is visible from both directions of travel on Highway 14/16, in accordance with Pennington County's Ordinance #20;**
2. **That the subject property continually not contain more than one (1) residential structure (i.e. single-family residence or living quarters);**
3. **That if the applicant/landowner chooses to rebuild a single-family residence on the subject property, Conditional Use Permit / CU 16-02 be amended and re-advertised to allow the single-wide mobile home to be used as temporary living quarters while building a single-family residence and the single-wide mobile home must be removed from the property upon completion of the new single-family residence;**
4. **That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
5. **That the subject property continually remains free of debris and junk vehicles;**
6. **That the single-wide mobile home installed on the subject property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
7. **That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
8. **That this Conditional Use Permit be reviewed in three (3) 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 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-34:** Jessica Thurmes. To review a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-34 with the following eight (8) conditions:

1. **That the assigned address for the subject property be continually posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;**
2. **That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;**
3. **That the subject property continues to remain free of debris and junk vehicles;**
4. **That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
5. **That no additional living quarters be allowed to exist on the property;**
6. **That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;**
7. **That the applicant adheres to the Forest Service comments at all times; and,**
8. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

END OF CONSENT AGENDA

8. CONDITIONAL USE PERMIT / CU 19-01: Terry Sayler. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 9, 2020, Planning Commission meeting.)

Sack 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 19-01 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That the applicants obtain a Pennington County Operating Permit every one (1) year instead of every six (6) years;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a \$100 fee per review;
6. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
7. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;
8. That prior to operation, the applicants have the Doty Fire Department conduct a site inspection and submit any comments to the Planning Department;
9. That a minimum of five (5) off-street parking spaces be provided on-site, per Section 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;

10. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and Local Contact information;
11. That the lot address (22553 Smokey Ridge Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;
12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) at all times;
13. That if the person designated as the Local Contact is ever changed from Cody Peterka, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. That an approved Building Permit be obtained for any future 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,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Conditional Use Permit / CU 19-01 with the following seventeen (17) conditions:

- 1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13);**
- 2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That the applicants obtain a Pennington County Operating Permit every one (1) year instead of every six (6) years;**
- 4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**

5. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a \$100 fee per review;
6. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
7. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;
8. That prior to operation, the applicants have the Doty Fire Department conduct a site inspection and submit any comments to the Planning Department;
9. That a minimum of five (5) off-street parking spaces be provided on-site, per Section 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;
10. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and Local Contact information;
11. That the lot address (22553 Smokey Ridge Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;
12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) at all times;
13. That if the person designated as the Local Contact is ever changed from Cody Peterka, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. That an approved Building Permit be obtained for any future 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,

17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 to 0.

9. LAYOUT PLAN / LPL 20-04: Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 2 of Lot B and C and Lot 1, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots in to create Lot 1R of Chase Elkhorn Subdivision.

Staff recommended approval of Layout Plan / LPL 20-04 with the following eight (8) conditions:

1. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;
4. That access for Lot 1R is taken from the existing approach for the subject property;
5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;
6. That the applicant ensures all-natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lot, 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 Plan 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 Plan / LPL 20-04 with the following eight (8) conditions:

1. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;
4. That access for Lot 1R is taken from the existing approach for the subject property;
5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;
6. That the applicant ensures all-natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lot, 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 Plan does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 to 0.

10. CONDITIONAL USE PERMIT / CU 20-05: James and Amy Heidecker. To allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

NE1/4SE1/4 Lying S of Centerline of CO RD T235, Section 20, T1S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have 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 20-05 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13) of the Zoning Ordinance;
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;
7. That a minimum of five (5) off-street parking spaces be provided on-site, per Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;
9. That the lot address (13789 Neck Yoke Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) (Performance Standards) at all times;

11. That if the person designated as the Local Contact is ever changed from Amy Heidecker, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Conditional Use Permit / CU 20-05 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13) of the Zoning Ordinance;**
- 2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 4. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a \$100 fee per review;**
- 5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;**

7. That a minimum of five (5) off-street parking spaces be provided on-site, per Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;
9. That the lot address (13789 Neck Yoke Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Amy Heidecker, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That the applicant post signs on steel fence posts, every 50 feet on their property line, indicating the boundary of the subject property and the adjoining neighbors' property;
15. That an approved Building Permit be obtained for any future 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,
16. 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.

Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. **Roll Call Vote:** unanimous 5 to 0.

11. LAYOUT PLAN / LPL 20-05: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Tract A of Rustlers Ranch Addition.

Staff recommended approval of Layout Plan / PL 20-05 with the following eleven (11) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, 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 Section 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures that 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 Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property;
7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;
8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;
9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;

10. 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,
11. 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 Lasseter and seconded by Johnson to approve of Layout Plan / PL 20-05 with the following eleven (11) conditions:

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 3. That prior to the Plat being recorded with the Register of Deeds, 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 Section 700 of Pennington County Subdivision Regulations;**
- 4. That the applicant ensures that 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 Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**
- 6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property;**
- 7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;**
- 8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;**
- 9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;**

10. 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,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 to 0.

12. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01: Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

(Continued from the March 9, 2020, Planning Commission meeting.)

Proietti stated Staff had originally recommended approval of Major Planned Unit Development Amendment / PU 20-01 with twenty-one (21) conditions, but are now recommending to continue this item to the April 27, 2020, Planning Commission meeting to allow staff time to address concerns with the State’s Attorney’s Office.

Discussion followed.

Moved by Lasseter and seconded by Runde to continue Major Planned Unit Development Amendment / PU 20-01 to the April 27, 2020, Planning Commission meeting to allow staff time to address concerns with the State’s Attorney’s Office.

Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 to 0.

13. PUBLIC HEARING - AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN: Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

(Continued from the February 24, 2020, Planning Commission meeting.)

Molitor reviewed the Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan with three recommended changes.

Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 to 0.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 9, 2020, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

16. ITEMS FROM THE STAFF

A. Planning Department: Molitor spoke of incorporating language in legal advertisements and Notice of Hearing letters to inform the public of how to contact staff, if they would like to speak on an item for a scheduled Planning Commission meeting by teleconference.

Molitor further stated the Planning Department has included informational language to the Planning Department’s website to inform the public work on how to contact staff regarding submittal of Building Permits and submittal applications via e-mail and through the mail.

17. ITEMS FROM THE MEMBERSHIP

Chairman Marsh and Commissioner Lasseter will be in attendance for the April 13th Planning Commission meeting.

18. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.

Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and Rivers – aye. Roll Call Vote: unanimous 5 to 0.

The meeting adjourned at 10:30 a.m.

Rich Marsh, Chairperson