

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 13, 2020 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Gary Drewes, Kathy Johnson (teleconference), Jim Coleman (teleconference) and Sonny Rivers (teleconference).

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

ROLL CALL

1. APPROVAL OF THE MARCH 23, 2020, MINUTES
Moved by Lasseter and seconded by Drewes to approve the Minutes of the March 23, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, and Coleman - aye. Roll Call Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Drewes to approve the Agenda of the April 13, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, and Coleman - aye. Roll Call 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 16-17:** West River Electric; Ross Johnson - Agent. To review an existing electrical substation in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of SE1/4SE1/4, Section 25, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-17 with the following nine (9) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;
2. That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions on 228th Street;
3. That the facility be continually secured with a fence at least seven (7) feet in height;
4. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
5. That reasonable steps shall be taken to reduce light and sound emissions from the facility;
6. That the installation of any additional electrical stations or items associated with the power line requires review and approval by the Pennington County Planning Department;
7. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;
8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,
9. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Planning Commission or Board of Commissioners.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-07:** Tim McTavish. To review four (4) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 3, The Forks at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-07 with the following six (6) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
2. That the applicant obtain a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
5. That the four (4) approved Sign Permits be amended to indicate that the signs are illuminated prior to any lighting being installed; and,
6. That this Conditional Use Permit be reviewed by Planning Commission in two (2) years, or as deemed necessary by the Pennington County Planning Commission or Board of Commissions to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-48:** Robert Pace. To review a pole barn as a primary structure on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2W1/2W1/2E1/2NE1/4 Less ROW; E1/2E1/2 W1/2NE1/4 Less ROW; E1/2W1/2 E1/2W1/2NE1/4 Less ROW; E1/2W1/2W1/2E1/2W1/2NE1/4 Less ROW; E1/2W1/2 W1/2W1/2E1/2W1/2NE1/4 Less ROW Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-48 with the following eight (8) conditions:

1. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed;
2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the proposed pole barn be used for personal use only and no commercial-type uses;

4. That all the natural drainage paths be maintained;
5. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the lot address (16273 Highway 1416) be posted on the residence at all times and is clearly visible from Highway 1416, in accordance with Pennington County's Ordinance #20;
7. That the applicant adhere to PCZO Section (510)(E) regarding the time limit on Conditional Use Permit established uses; and,
8. That this Conditional Use Permit be reviewed in two (2) 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 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-03:** Joseph and Teri Creager. To review a storage shed/garage as a primary structure on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 13, Block 1, Moon Meadow Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota

To approve the extension of Conditional Use Permit / CU 19-03 with the following nine (9) conditions:

1. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
3. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;
4. That the applicants obtain an approved Approach Permit from County Highway for the subject property within 30 days;
5. That the storage shed/garage be used for personal use only and no commercial-type uses;

6. That all the natural drainage paths be maintained;
7. That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
8. That an address be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County's Ordinance #20; and,
9. That this Conditional Use Permit be reviewed in two (2) months, 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.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-09:** Martina Pugh. To review a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance..

E60 feet of N115 feet of Lot 4 of Lot 13, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-09 with the following six (6) conditions.

1. That the lot address be clearly posted, so as to be visible from Carol Street, in accordance with Pennington County's Ordinance #20;
2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
3. That the subject property remains free of debris and junk vehicles;
4. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. 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,
6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-14:** Dottie Pugsley. To review a multi-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 21, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-14 with the following six (6) conditions:

1. **That the lot address continue to be clearly posted, so as to be visible from Aurora Drive, in accordance with Pennington County's Ordinance #20;**
2. **That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
3. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
4. **That the subject property remains free of debris and junk vehicles;**
5. **That an 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,**
6. **That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

9. **CONDITIONAL USE PERMIT / CU 20-06:** Daniel and Jodi Endres. To allow for an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 3, Block 1, Harney Mountain Wilderness Estates, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure (a garage) prior to a principal structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 20-06 with the following twelve (12) conditions:

1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
2. That if any plumbing is to be installed in the accessory structure, garage/workshop with bathroom, it be hooked into an approved means of wastewater disposal;
3. That an approved Approach Permit be obtained from Harney Mountain #1 Road District prior to the installation of a driveway;
4. That an approved Construction Permit be obtained for the access road to the shed on the property if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(1);
5. That an approved Building Permit be obtained for the proposed garage/workshop with bathroom prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
6. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That the proposed garage/workshop with bathroom be used for personal use only and no commercial and or residential-type uses;
8. That all the natural drainage paths be maintained;
9. That the minimum setback requirements of a Limited Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
10. That the address, once assigned, be posted during the construction of the garage/workshop with bathroom, and at the end of the driveway off of Tin Lode Court, so it is visible from both directions of travel on Tin Lode Court, in accordance with Pennington County's Ordinance #20;
11. That the applicant adhere to Section 510(E) regarding the time limit on Conditional Use Permit established uses; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Commissioner Lasseter left the meeting at 9:14 a.m.
Commissioner Lasseter returned to the meeting at 9:15 a.m.

Discussion followed.

Moved by Drewes and seconded by Lasseter to approve of Conditional Use Permit / CU 20-06 with the following twelve (12) conditions:

- 1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;**
- 2. That if any plumbing is to be installed in the accessory structure, garage/workshop with bathroom, it be hooked into an approved means of wastewater disposal;**
- 3. That an approved Approach Permit be obtained from Harney Mountain #1 Road District prior to the installation of a driveway;**
- 4. That an approved Construction Permit be obtained for the access road to the shed on the property if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(1);**
- 5. That an approved Building Permit be obtained for the proposed garage/workshop with bathroom prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**
- 6. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 7. That the proposed garage/workshop with bathroom be used for personal use only and no commercial and or residential-type uses;**
- 8. That all the natural drainage paths be maintained;**
- 9. That the minimum setback requirements of a Limited Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**
- 10. That the address, once assigned, be posted during the construction of the garage/workshop with bathroom, and at the end of the driveway off of Tin Lode Court, so it is visible from both directions of travel on Tin Lode Court, in accordance with Pennington County's Ordinance #20;**
- 11. That the applicant adhere to Section 510(E) regarding the time limit on Conditional Use Permit established uses; and,**

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

Vote: unanimous 6 to 0.

10. LAYOUT PLAN / LPL 20-06: Jeffrey and Holly Godber. To combine two lots to create Lot 1R of Mountain Park Placer in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A less RTY and Lot B Less RTY of Mountain Park Placer MS 1230, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Mountain Park Placer, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots.

Staff recommended approval of Layout Plan / LPL 20-06 with the following thirteen (13) conditions:

1. That at the time of the Minor Plat submittal, the proposed plat be prepared by a Registered Professional Land Surveyor;
2. That the applicants obtain approved Approach Permits from the County Highway Department prior to installation of any approaches off of Sheridan Lake Road;
3. That at the time of Minor Plat submittal, either an approved Floodplain Development Permit be obtained for the existing pavilion, shed, and outdoor fireplace or they be removed from the Special Flood Hazard Area;
4. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area.
5. That the applicants adhere to all comments provided by the Forest Service;
6. That prior to filing the Plat with the Register of Deeds, proposed Lot 1R be Rezoned appropriately, to include a Comprehensive Plan Amendment, or an approved Lot Size Variance be obtained;
7. That the applicants ensure all natural drainage ways are maintained and not blocked;
8. That the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;

9. That at the time of Minor Plat submittal, the plat meets 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;
10. 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;
11. 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;
12. That at the time of Minor Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps; and,
13. 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 Lasseter and seconded by Drewes to approve of Layout Plan / LPL 20-06 with the following thirteen (13) conditions:

- 1. That at the time of the Minor Plat submittal, the proposed plat be prepared by a Registered Professional Land Surveyor;**
- 2. That the applicants obtain approved Approach Permits from the County Highway Department prior to installation of any approaches off of Sheridan Lake Road;**
- 3. That at the time of Minor Plat submittal, either an approved Floodplain Development Permit be obtained for the existing pavilion, shed, and outdoor fireplace or they be removed from the Special Flood Hazard Area;**
- 4. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area.**
- 5. That the applicants adhere to all comments provided by the Forest Service;**
- 6. That prior to filing the Plat with the Register of Deeds, proposed Lot 1R be Rezoned appropriately, to include a Comprehensive Plan Amendment, or an approved Lot Size Variance be obtained;**
- 7. That the applicants ensure all natural drainage ways are maintained and not blocked;**

8. That the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
9. That at the time of Minor Plat submittal, the plat meets 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;
10. 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;
11. 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;
12. That at the time of Minor Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps; and,
13. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Vote: unanimous 6 to 0.

11. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 27, 2020, Planning Commission meeting.

Molitor spoke of the Comprehensive Plan "View to 2040" to be approved by Resolution at the May 5, 2020, Board of Commissioner's meeting.

12. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

13. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for March 2020.

14. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of construction activity near the Fort Hayes property and dust coming from the Croell, Inc. property.

15. ADJOURNMENT

Moved by Drewes and seconded by Lasseter to adjourn.

Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, and Coleman - aye. Roll Call Vote: unanimous 6 to 0.

The meeting adjourned at 9:34 a.m.

Rich Marsh, Chairperson