

**ODRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 27, 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), Sandra Runde (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 APRIL 13, 2020, MINUTES
Moved by Drewes and seconded by Lasseter to approve the Minutes 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: carried 6 to 0. Commissioner Runde abstained.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Drewes to approve the Agenda of the April 27, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call Vote: unanimous 7 to 0.

Moved by Lasseter and seconded by Drewes to approve the Consent Agenda of the April 27, 2020, Planning Commission meeting, with the removal of Item #5. Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call 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 13-23: Todd Sime. To review accessory buildings without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 7 of Tract C, Hook J Subdivision, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 13-23 with the following ten (10) conditions:

1. That the existing approach off of Derby Lane continue to be utilized and no new approaches be created;
2. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
3. 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;
4. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
5. That the accessory structures continue to be used for personal-use only and no commercial-type uses;
6. That the property continue to remain free of debris and junk;
7. That all natural drainage paths be continually maintained;
8. That the address continue to be posted so it is clearly visible from Derby Lane in accordance with Pennington County's Ordinance #20;
9. That prior to any work being conducted within the 100-year floodplain boundaries, at a minimum, a Floodplain Development Permit be obtained; and,
10. That this Conditional Use Permit be reviewed in five (5) 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 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-25:** Jeff DeVeny. To review two storage units to be located on the subject property in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-25 with the following eleven (11) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50' x 100' and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner's expense;
4. That the business address be posted and clearly visible in accordance with Ordinance #20, within 30 days of approval of the extension of CU 14-25;
5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
8. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and that a sign be posted indicating after hours contact information with the owner's phone number, within 30 days of approval of the extension of CU 14-25; and,
11. That this Conditional Use Permit be reviewed by the Planning Commission in six (6) months, on a complaint basis, or as directed by the Pennington

County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-04:** Alex and Mikal Kulesza. To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 1, Merchen Addition #2, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-04 with the following sixteen (16) conditions:

1. **That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;**
2. **That the applicant provide a landline in case of an emergency;**
3. **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 so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
4. **That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;**
5. **That the applicant continue to 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 continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
7. **That a minimum of three (3) off-street parking spaces continually be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
8. **That an interior informational sign be continually posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts**

for Fire Department and Sheriff's Department, during operation of the residence as a VHR;

9. That the lot address be posted at all times on the residence and so it is clearly visible from Daybreak Ridge Road, in accordance with Ordinance #20;
10. That the applicant continually ensure the VHR is 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 Alex Kulesza, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
12. That each review of Conditional Use Permit / CU 19-20, be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;
13. 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;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
15. That the applicant obtain an approved Building Permit 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; and,
16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-16:** School House, LLC / Larry Teuber. To review 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 1R, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-16 with the following fifteen (15) conditions.

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. 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 so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of one (1) off-street parking space continue to be provided on-site, per PCZO 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;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
8. That the lot address (9627 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant

re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;

11. 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;
12. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;
14. 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,
15. That this Conditional Use Permit be reviewed in three (3) 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.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-17:** SC Meridian, LLC / Larry Teuber. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-17 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. 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 so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;

4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO 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;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (9699 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. 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;
12. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;
14. 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,

15. That this Conditional Use Permit be reviewed in three (3) 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.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-18:** SC Meridian, LLC / Larry Teuber. To review 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 1R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-18 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. 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 so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO 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;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139

listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;

8. That the lot address (9670 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;
13. 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,
14. That this Conditional Use Permit be reviewed in three (3) 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.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-19:** SC Meridian, LLC / Larry Teuber. To review 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 6R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-19 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy

be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);

2. 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 so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO 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;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (9645 Cougar Court) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. 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;

12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;
13. 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,
14. That this Conditional Use Permit be reviewed in three (3) 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.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To review 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 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

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

To continue the review of Conditional Use Permit / CU 18-10 to the September 17, 2020, Planning Commission meeting.

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-23:** BCS Invest, LLC; Kevin Haberstroh. To review six storage units and a caretaker / manager's residence on the subject property in a General Commercial District / General Agriculture District in accordance with Sections 205, 209, and 510 of the Pennington County Zoning Ordinance.

Lot 2 (also in Section 19), Heavlin #2 Addition, Section 30, T1N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-23 with the following eighteen (18) conditions:

1. That setbacks be in accordance with Section 209 and Section 205 of the Pennington County Zoning Ordinance or approved Variance(s) be obtained;
2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with Section 510 of the PCZO;

3. 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 additional Staff as deemed necessary by the Planning Director;
4. That a minimum of four (4) parking spaces be provided at the location of the storage unit office and a loading and unloading zone be provided for all storage units. The interior roadways must have four (4) inches of gravel, concrete, or asphalt and be maintained in such a manner that no dust will result from continuous use;
5. That, in addition to existing car sales, only the following be allowed on the subject property with approved Permits; Up to Six (6) storage unit buildings (not to exceed the square footage as indicated on the applicant's site plan included with this Staff Report), One (1) Office, One (1) Shop, One (1) Caretaker's residence (only to be lived in by an individual engaged in the day-to-day operation of the storage unit business and not to be used as a Vacation Home Rental);
6. That additional non-storage unit structures placed on the subject property may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;
7. That Floodplain Development Permits shall be required for construction in the Special Flood Hazard Area;
8. That the office/shop building and the caretaker's residence are assigned separate addresses and posted, clearly visible and maintained in accordance with Pennington County Ordinance #20;
9. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
10. That no more than two (2) premise signs shall be allowed in accordance with Section 312 of the PCZO, with an approved Sign Permit;
11. That this Conditional Use Permit shall automatically expire if the use for which the it was granted has not been established within two years following the date of approval, July 9, 2020;
12. That prior to approval of a Building Permit, the applicant complete the Planning Department memo for the Federal Aviation Administration's Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis;
13. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner's or

caretaker's phone number, which must be clearly visible at the entrance of the lot;

14. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
15. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
16. That the property continually remains free of junk and debris;
17. That if any increase of impervious area is greater than 15%, the property owner shall provide storm water treatment of the runoff generated by the first 0.5" of rainfall (See Pennington County Storm Water Manual); and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

5. CONDITIONAL USE PERMIT REVIEW / CU 15-20: Mitch Morris. To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Lasseter asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended to continue the review of Conditional Use Permit / CU 15-20 to the May 11, 2020, Planning Commission meeting with two (2) conditions.

Discussion followed.

Moved by Drewes and seconded by Lasseter to continue the review of Conditional Use Permit / CU 15-20 to the May 11, 2020, Planning Commission meeting with the following two (2) conditions:

1. That the applicant either meet the approved Condition #3, attend the April 27, 2020 Planning Commission meeting and ask that the fence requirement be removed from Condition #3, or end Conditional Use Permit / CU 15-20; and,
2. That any continuation after the May 11, 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.

Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call Vote: unanimous 7 to 0.

13. CONDITIONAL USE PERMIT / CU 20-07: BH Energy / Shannon Pollmiller – Agent. To allow a temporary contractor’s equipment storage yard on the subject property in a Highway Service in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance

Lot 11, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a temporary contractor’s equipment storage yard on the subject property.

Staff recommended approval of Conditional Use Permit / CU 20-07 with the following eleven (11) 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 the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance Section 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift
6. That erosion control measures be implemented around the site to prevent sediment leaving the site;
7. That the property remains free of junk and debris at all times;

8. That adequate space is provided for parking in the storage yard;
9. That upon completion of the project, all equipment, structures, and stockpiles associated with the contractor's equipment storage yard must be removed;
10. 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,
11. 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 Drewes and seconded by Lasseter to approve of Conditional Use Permit / CU 20-07 with the following eleven (11) 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 the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance Section 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift**
- 6. That erosion control measures be implemented around the site to prevent sediment leaving the site;**
- 7. That the property remains free of junk and debris at all times;**
- 8. That adequate space is provided for parking in the storage yard;**
- 9. That upon completion of the project, all equipment, structures, and stockpiles associated with the contractor's equipment storage yard must be removed;**

10. 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,
11. That this Conditional Use Permit be reviewed at the May 11, 2020, Planning Commission meeting in order for the applicant and the adjacent property owner to meet and address concerns of the neighbor.

Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call Vote: unanimous 7 to 0.

14. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-02: Mike and Lorene Cassidy. To amend an existing Planned Unit Development to allow a garage / storage building (Morton Building) prior to a principal structure on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 4, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants applied for a Minor Planned Unit Development Amendment to allow a garage / storage building (Morton Building) prior to a principal structure on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 20-02 with the following thirteen (13) conditions:

1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a secondary structure be allowed on Tract 4 prior to the establishment of a primary use;
6. That a minimum of 73 acres of common area be provided;
7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
8. That no structures have wood shakes;

9. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
10. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;
11. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
13. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

Discussion followed.

Moved by Lasseter and seconded by Drewes approval of Minor Planned Unit Development Amendment / PU 20-02 with the following thirteen (13) conditions:

- 1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;**
- 2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;**
- 3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);**
- 4. That all single-family residences be constructed on lots containing three (3) acres or more;**
- 5. That a secondary structure be allowed on Tract 4 prior to the establishment of a primary use;**
- 6. That a minimum of 73 acres of common area be provided;**
- 7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;**
- 8. That no structures have wood shakes;**

9. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
10. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;
11. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
13. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call Vote: unanimous 7 to 0.

15. LAYOUT PLAN / LPL 20-07: Robert Schryvers. To reconfigure lot lines to create Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 21 of Morse Subdivision #4; Lot 1 of D-R-J Subdivision and Tract in NE1/4NE1/4; Lot D of NE1/4NE1/4, all located in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines to create Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision.

Staff recommended approval of Layout Plan / LPL 20-07 with the following eleven (11) conditions:

1. That at the time of Minor Plat submittal, the Plat labels Log Porch Road and either establishes an Easement on proposed Lot D1 or references an existing Easement;

2. That at the time of Minor Plat submittal, previous lot lines be identified on the Plat;
3. That prior to the mylar being filed at the Register of Deeds, proposed Lot D-1 be completely included in the Morse Place Road District, per County Highway comments;
4. That at the time of Minor Plat submittal, a new subdivision be named for the two proposed lots, per County Highway and Register of Deeds comments;
5. 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;
6. 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;
7. 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 Section 700 of Pennington County Subdivision Regulations;
8. That any portion of National Forest Service land lying between the original north property lines of Tax ID 39316 & 42291 and the Section Line be removed from proposed Lot D1;
9. That all natural drainage ways are maintained and are not blocked;
10. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
11. 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 approval of Layout Plan / LPL 20-07 with the following eleven (11) conditions:

- 1. That at the time of Minor Plat submittal, the Plat labels Log Porch Road and either establishes an Easement on proposed Lot D1 or references an existing Easement;**

2. That at the time of Minor Plat submittal, previous lot lines be identified on the Plat;
3. That prior to the mylar being filed at the Register of Deeds, proposed Lot D-1 be completely included in the Morse Place Road District, per County Highway comments;
4. That at the time of Minor Plat submittal, a new subdivision be named for the two proposed lots, per County Highway and Register of Deeds comments;
5. 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;
6. 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;
7. 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 Section 700 of Pennington County Subdivision Regulations;
8. That any portion of National Forest Service land lying between the original north property lines of Tax ID 39316 & 42291 and the Section Line be removed from proposed Lot D1;
9. That all natural drainage ways are maintained and are not blocked;
10. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
11. 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, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call Vote: unanimous 7 to 0.

16. 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 23, 2020, Planning Commission meeting.

Proietti stated this Item had been continued from the March 23, 2020, Planning Commission meeting, and further reviewed the applicant has applied for a Major Planned Unit Development Amendment to allow an existing residence to be used as a Vacation Home Rental.

Staff is seeking guidance from the Planning Commission on how to proceed with Major Planned Unit Development Amendment / PU 20-01. If the Planning Commission recommends approval of Major Planned Unit Development Amendment / PU 20-01, Staff recommends the following eleven (11) conditions be included:

1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
2. That dwellings be used as single-family residence only, subject to Condition #5, and that no home occupations or large animals are allowed on the three (3) lots;
3. The minimum lot size for the development shall a minimum of 3.86 acres;
4. That the residences located within Planned Unit Development / PU 20-01 be allowed to be used as a Vacation home Rental;
5. That the structures within the Planned Unit Development shall be stick-built or log constructed;
6. All residences must meet the standards for stick-built homes as outlined in Section 204;
7. All structures are constructed south of the existing tree line;
8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. And that the lot address be posted at all times on the residence and so it is clearly visible from S. Rochford Road, in accordance with Ordinance #20;
9. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;
10. That a Homeowner's Association be upheld for the maintenance of the approach and private access easement; and,
11. That this Planned Unit Development 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 Drewes to deny without prejudice Major Planned Unit Development Amendment / PU 20-01.

Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, and Runde - aye. Coleman – no. Roll Call Vote: Motion carried 6 to 1.

Commissioner Lasseter left the meeting at 10:50 a.m.

Commissioner Lasseter returned to the meeting at 10:52 a.m.

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.

17. CONSTRUCTION PERMIT / CP 20-07: Mike and Lorene Cassidy. To excavate and grade for a future building site.

Tract 4, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 20-07 with the following six (6) conditions:

1. That any natural drainage ways and paths be continually maintained;
2. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
3. That the site shall be re-vegetated as required under § 507(A)(5)(c);
4. That inspection reports are available upon request of the Planning Director;
5. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
6. That this Construction Permit be reviewed in six (6) months from approval date.

18. CONSTRUCTION PERMIT / CP 20-08: Western Construction. To excavate and grade for construction activities associated with an asphalt batch plant.

S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated ROW, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 20-08 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* upon disturbance and maintained until the site has been revegetated in accordance with Section 507(A)(5)(c) of the Zoning Ordinance;
2. That prior to approval, the applicant submits a Notice of Intent for the SDDENR General Stormwater Permit;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That the disturbed areas be re-vegetated as required in Section 507(A)(5)(c) of the Zoning Ordinance;
11. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
12. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.

19. CONSTRUCTION PERMIT / CP 20-09: Black Hills Energy / Shannon Pollmiller. To rebuild an existing distribution line to include grading for access roads.

Various subject properties near Pactola Lake, BHM, Pennington County, South Dakota. Pactola North: Pactola Substation below Pactola Dam and north to the intersection of Highway 385 and W. Highway 44. Pactola South: At the intersection of Highway 16 and Placer Place and traverses north to near the intersection of Highway 385 and Heald Trail.

Sack stated Staff recommended the Planning Director approve Construction Permit 20-09 with the following conditions:

1. That erosion control measures are implemented *immediately* upon disturbance and maintained until the site has been revegetated in accordance with Section 507(A)(5)(c) of the Pennington County Zoning Ordinance (PCZO);
 2. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
 3. That the site shall be re-vegetated as required under Section 507(A)(5)(c);
 4. That if the disturbed area is over an acre, the applicants obtain a South Dakota Department of Environment and Natural Resources General Permit for Stormwater;
 5. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
 6. That any natural drainage ways and paths be continually maintained;
 7. That any changes or updates to the Floodplain Development Permit be submitted to the Planning Department;
 8. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
 9. That this Construction Permit be reviewed in six (6) months from approval date.
20. CONSTRUCTION PERMIT / CP 20-10: Pat Wiederhold. To construction an access road / driveway to the applicant's property.

N1/2N1/2SE1/4SE1/4NE1/4; S1/2S1/24NE1/4SE1/4NE1/4, of Section 32, T1S, R6E; and SW1/4NW1/4 of Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 20-10 with the following five (5) conditions:

1. That any natural drainage ways and paths be continually maintained;
2. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
3. That the site shall be re-vegetated as required under Section 507(A)(5)(c);
4. That the applicant signs a Statement of Understanding within ten (10) business days of Construction Permit approval, which is available at the Planning Office; and,
5. That this Construction Permit be reviewed in six (6) months from approval date, and may be reviewed 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.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 13, 2020, Planning Commission meeting.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

There were no items from staff.

24. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

25. ADJOURNMENT

Moved by Drewes and seconded by Lasseter to adjourn.

Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call Vote: unanimous 7 to 0.

The meeting adjourned at 10:55 a.m.

Rich Marsh, Chairperson