

DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 11, 2020 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Sandra Runde, Lloyd LaCroix, Kathy Johnson (teleconference), Jim Coleman (teleconference), and Sonny Rivers (teleconference).

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Cody Sack, Jason Theunissen, Michaele Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE APRIL 27, 2020, MINUTES

Moved by Lasseter and seconded by Runde to approve the Minutes of the April 27, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by Lasseter and seconded by Runde to approve the Agenda of the May 11, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by LaCroix and seconded by Lasseter to approve the Consent Agenda of the May 11, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 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 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.

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

To approve of the extension of Conditional Use Permit / CU 15-20 with the following fourteen (14) conditions

- 1. That all hazardous waste be stored, treated, transported, and disposed of according to South Dakota Codified Law §34(A)(11), South Dakota Administrative Rule Article 74:28, and United States Code of Federal Regulation 40 CFR Part 260-279;**
- 2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;**
- 3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed and maintained on the highway facing side of the Construction Equipment Storage and Sales area;**
- 4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;**
- 5. 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;**
- 6. That porta-potties (1 per every 50 employees) are provided on-site;**
- 7. That the addresses be posted in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;**
- 9. That there is no more than two (2) additional employees, excluding family members;**
- 10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hours operation so as not to be characterized as a nuisance;**
- 12. That inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;**

13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed; and,
14. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in September 2020, 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 7 to 0.

4. **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 District 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.

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

To 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.

Vote: unanimous 7 to 0.

5. **MINOR PLAT / MPL 20-08:** Gorden and Jennifer Sabo. To reconfigure lots lines to create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 20-08 with the following six (6) 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;
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; and,

6. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

6. LAYOUT PLAN / LPL 20-09: H & H Land Company No. 2, LLC; Brian Hammerbeck – Agent. To create Tract D of Hook J Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT GL1; N1/2NE1/4SE1/4; S1/2NE1/4SE1/4; SE1/4SE1/4; all located in Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract D of Hook J Addition, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to create Tract D of Hook J Addition.

Staff recommended approval of Layout Plan / LPL 20-09 with the following eleven (11) conditions:

1. That the applicants obtain approved Approach Permits from the County Highway Department prior to installation of any approaches off of Derby Road;
2. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area;
3. That prior to filing the Plat with the Register of Deeds, the remaining unplatted portions of the parent lots (Tax IDs 650, 651, 13381) be Rezoned appropriately, to include a Comprehensive Plan Amendment, or an approved Lot Size Variance be obtained;
4. That prior to filing the Plat with the Register of Deeds, the applicant improve Derby Lane to Pennington County Design Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;
5. That the applicants ensure all-natural drainage ways are maintained and not blocked;
6. That the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations and Register of Deeds comments contained in this report;

7. 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;
8. 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;
9. That at the time of Minor Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps and Pennington County Subdivision Regulations, Section 400.3(1)(l);
10. 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,
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 Runde and seconded by Lasseter to approve of Layout Plan / LPL 20-09 with the following eleven (11) conditions:

- 1. That the applicants obtain approved Approach Permits from the County Highway Department prior to installation of any approaches off of Derby Road;**
- 2. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area;**
- 3. That prior to filing the Plat with the Register of Deeds, the remaining unplatted portions of the parent lots (Tax IDs 650, 651, 13381) be Rezoned appropriately, to include a Comprehensive Plan Amendment, or an approved Lot Size Variance be obtained;**
- 4. That prior to filing the Plat with the Register of Deeds, the applicant improve Derby Lane to Pennington County Design Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;**
- 5. That the applicants ensure all-natural drainage ways are maintained and not blocked;**

6. That the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations and Register of Deeds comments contained in this report;
7. 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;
8. 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;
9. That at the time of Minor Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps and Pennington County Subdivision Regulations, Section 400.3(1)(I);
10. 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,
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, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

7. CONDITIONAL USE PERMIT / CU 20-08: Schad Corp., Cody Schad. To allow a contractor’s equipment storage yard and a saw mill on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 3R, Marvin Subdivision, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended denial of Conditional Use Permit / CU 20-08.

If the Planning chooses to approve Conditional Use Permit / CU 20-08, Staff recommended the following fourteen (14) conditions:

1. That an address must be posted at the entrance to the contractor’s equipment storage yard and sawmill in accordance with Ordinance #20;

2. That this Conditional Use Limited to a contractor's storage equipment yard and saw mill;
3. That the amount of lumber produced be limited as to not create a manufacturing or commercial business;
4. That any lumber produced on the subject property be for personal use only and not sold for profit;
5. That emergency contact information for the storage yard be posted at the entrance of the storage yard;
6. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
7. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;
8. 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;
9. That erosion control measures be implemented around the site to prevent sediment leaving the site;
10. That the property remains free of junk and debris at all times;
11. That adequate space is provided for parking in the storage yard;
12. That upon completion of the project, all equipment, structures, and stockpiles associated with the contractor's equipment storage yard must be removed;
13. 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,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lasseter and seconded by Johnson to continue Conditional Use Permit / CU 20-08 to the May 26, 2020, Planning Commission meeting to address concerns of the Planning Commission and surrounding neighbors.

SUBSTITUTE MOTION: Moved by Rivers and seconded by Runde to deny Conditional Use Permit / CU 20-08. Roll call vote on Substitute Motion: Marsh – no; Coleman – no; LaCroix – no; Johnson - no, and Lasseter voted no. Rivers – yes and Runde - yes. Motion to deny failed 2 to 5.

Vote on Original Motion to continue Conditional Use Permit / CU 20-08 to the May 26, 2020, Planning Commission meeting to address concerns of the Planning Commission and surrounding neighbors. Roll call vote on Original Motion: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: Motion carried 7 to 0.

8. MINING PERMIT / MP 20-04: GCC Dacotah, Inc. To operate a mining operation to extract limestone by drilling and blasting to be hauled off site in accordance with Sections 212 and 507-B.

SW1/4NE1/4 Less Limestone Tunnel Sub; NW1/4SE1/4; That PT of SE1/4NE1/4, NE1/4SE1/4 and SE1/4SE1/4 Lying W of Hwy 79 Less Limestone Tunnel Sub in the SE1/4NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit to operate a mining operation to extract limestone by drilling and blasting to be hauled off site.

Staff recommended approval of Mining Permit / MP 20-04 with the following nine (9) conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
2. That the applicants follow the Pennington County Stormwater Manual and Stormwater Management Plan;
3. That the applicants follow the reclamation plan that was submitted to the Planning Department;
4. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
5. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
6. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
7. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning

Department and copies of any annual Mine License Reports by December 1st of each year;

8. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
9. That this Mining Permit be reviewed in three (3) years 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.

Discussion followed.

Moved by LaCroix and seconded by Lasseter to approve of Mining Permit / MP 20-04 with the following nine (9) conditions:

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
- 2. That the applicants follow the Pennington County Stormwater Manual and Stormwater Management Plan;**
- 3. That the applicants follow the reclamation plan that was submitted to the Planning Department;**
- 4. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;**
- 5. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
- 6. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;**
- 7. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
- 8. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,**
- 9. That this Mining Permit be reviewed in three (3) years 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.**

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Commissioner Lasseter left the meeting at 10:54 a.m.

Commissioner Lasseter returned to the meeting at 10:56 a.m.

9. MINING PERMIT / MP 20-05: GCC Dacotah, Inc. To operate a mining operation to extract, crush, and stockpile shale to be hauled off site in accordance with Sections 205 and 507-B.

PT SE1/4SW1/4; PT S1/2SE1/4 of Section 11, T2N, R7E; PT SW1/4SW1/4 Less PT of Lot A of Lot 3 of Section 11, T2N, R7E; N1/2NE1/4; NE1/4NW1/4 of Section 14, T2N, R7E; NW1/4NW1/4 W of RD of Section 13, T2N, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit to operate a mining operation to extract, crush, and stockpile shale to be hauled off site.

Staff recommended approval of Mining Permit / MP 20-05 with the following ten (10) conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
2. That the applicants follow the Pennington County Stormwater Manual and Stormwater Management Plan;
3. That the applicants vacate or close the Section Line Right-of-Way that runs through the mining operation;
4. That the applicants follow the reclamation plan that was submitted to the Planning Department;
5. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
6. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
7. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Stormwater Permit for Industrial Activities be continually met;
8. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning

Department and copies of any annual Mine License Reports by December 1st of each year;

9. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
10. That this Mining Permit be reviewed in three (3) years 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.

Discussion followed.

Commissioner Runde left the meeting at 10:59 a.m.

Commissioner Runde returned to the meeting at 11:01 a.m.

Moved by Runde and seconded by Lasseter to approve to of Mining Permit / MP 20-05 with the following ten (10) conditions:

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
- 2. That the applicants follow the Pennington County Stormwater Manual and Stormwater Management Plan;**
- 3. That the applicants vacate or close the Section Line Right-of-Way that runs through the mining operation;**
- 4. That the applicants follow the reclamation plan that was submitted to the Planning Department;**
- 5. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;**
- 6. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
- 7. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Stormwater Permit for Industrial Activities be continually met;**
- 8. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**

9. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
10. That this Mining Permit be reviewed in three (3) years 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.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

10. CONDITIONAL USE PERMIT / CU 19-33: Robert Livingston; K.W. Lindsay – Owner. To allow a Recreational Vehicle Park on the subject property to include RV sites, a gas station, a convenience store, and a bar in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

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

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle Park on the subject property to include RV sites, a gas station, a convenience store, and a bar in a Highway Service District.

Commissioner LaCroix left the meeting at 11:08 a.m.

Commissioner LaCroix returned to the meeting at 11:09 a.m.

Staff recommended approval of Conditional Use Permit / CU 19-33 to allow for a Recreational Vehicle (RV) Park with the following thirty-three (33) conditions:

1. That no more than 22 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 35 feet long by 12-foot-wide;
2. That one convenience store with a bar is allowed;
3. That a gas station with two pumps and underground storage tanks is allowed;
4. That a shop/storage building is allowed;
5. That erosion control measures be implemented to prevent silt from leaving the applicant's property and entering Deer Creek or other bodies of water;
6. That a water right is obtained and the well operational prior to operation of the RV Park;

7. That prior to any disturbance or construction within the Special Flood Hazard Area, a Floodplain Development Permit is obtained by the Planning Department;
8. That if the convenience store/bar is substantially improved, the structure be brought into full compliance with Pennington County's Flood Damage Prevention Ordinance;
9. That each site must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
10. That access to the site is from the approved SDDOT approach. This which includes removal of the existing approach to the southwest and widening of the existing approach to the northeast;
11. That eight (8) parking spaces and an additional one parking space per three employees (minimum 9 spaces) be provided for the convenience store and bar per Section 310 of the PCZO;
12. That the underground fuel storage tanks that service the gas station meet the requirements of South Dakota Administrative Rule 74:56:01 at all times;
13. That the applicant maintains some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
14. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
15. That the existing sanitary holding tank located east of the garage building be removed;
16. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
17. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
18. That each RV site be equipped with water, sewer and electric hook-ups;
19. That each campsite must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite;
20. That a minimum 10-foot separation be provided between each RV site;

21. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
22. That the Recreational Vehicle Park conform to all regulations set forth in Section 306 of the Pennington County Zoning Ordinance;
23. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and the Department of Health;
24. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
25. That an Engineered Drainage Study is performed by the applicant's engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent;
26. That all-natural drainage ways be maintained;
27. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO;
28. That no parking is allowed within the Private Road Easement (OMB No. 0596-0082);
29. That the Recreational Vehicle Park be constructed in strict compliance with the final set of Engineered Construction Plans;
30. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;
31. That the switchback trail located on the hillside be removed and gated to restrict access;
32. That the applicant adheres to Section 510(E) regarding the time limit on Conditional Use Permit established uses; and,
33. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Conditional Use Permit / CU 19-33 to allow for a Recreational Vehicle (RV) Park, with amended language in Conditions #15 and #31, with the following thirty-three (33) conditions:

1. That no more than 22 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 35 feet long by 12-foot-wide;
2. That one convenience store with a bar is allowed;
3. That a gas station with two pumps and underground storage tanks is allowed;
4. That a shop/storage building is allowed;
5. That erosion control measures be implemented to prevent silt from leaving the applicant's property and entering Deer Creek or other bodies of water;
6. That a water right is obtained and the well operational prior to operation of the RV Park;
7. That prior to any disturbance or construction within the Special Flood Hazard Area, a Floodplain Development Permit is obtained by the Planning Department;
8. That if the convenience store/bar is substantially improved, the structure be brought into full compliance with Pennington County's Flood Damage Prevention Ordinance;
9. That each site must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
10. That access to the site is from the approved SDDOT approach. This which includes removal of the existing approach to the southwest and widening of the existing approach to the northeast;
11. That eight (8) parking spaces and an additional one parking space per three employees (minimum 9 spaces) be provided for the convenience store and bar per Section 310 of the PCZO;
12. That the underground fuel storage tanks that service the gas station meet the requirements of South Dakota Administrative Rule 74:56:01 at all times;
13. That the applicant maintains some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
14. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;

15. That the existing sanitary holding tank located east of the garage building be removed or used as a lift station;
16. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
17. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
18. That each RV site be equipped with water, sewer and electric hook-ups;
19. That each campsite must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite;
20. That a minimum 10-foot separation be provided between each RV site;
21. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
22. That the Recreational Vehicle Park conform to all regulations set forth in Section 306 of the Pennington County Zoning Ordinance;
23. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and the Department of Health;
24. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
25. That an Engineered Drainage Study is performed by the applicant's engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent;
26. That all-natural drainage ways be maintained;
27. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO;
28. That no parking is allowed within the Private Road Easement (OMB No. 0596-0082);
29. That the Recreational Vehicle Park be constructed in strict compliance with the final set of Engineered Construction Plans;

- 30. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;
- 31. That the switchback trail located on the hillside be gated to restrict access;
- 32. That the applicant adheres to Section 510(E) regarding the time limit on Conditional Use Permit established uses; and,
- 33. 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.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

- 11. ORDINANCE AMENDMENT / OA 20-01: Pennington County. To amend Section 507 “Construction Permits” [to supersede Section 507-A “Erosion and Storm Water Control”] and to amend Section 511 “Fees” to set fees regarding Storm Water Permits of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 507 “Construction Permits” [to supersede Section 507-A “Erosion and Storm Water Control”] and to amend Section 511 “Fees” to set fees regarding Storm Water Permits.

Staff recommended approval of Ordinance Amendment / OA 20-01.

Discussion followed.

Moved by LaCroix and seconded by Johnson to approve of Ordinance Amendment / OA 20-01 with the recommended changes.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

- 12. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the April 27, 2020, Planning Commission meeting.

- 13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

- 14. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for April.

B. Planning Director. Molitor stated she has been appointed the Planning and Zoning Director.

15. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

16. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

The meeting adjourned at 11:48 a.m.

Rich Marsh, Chairperson