

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Sandra Runde, Kathy Johnson, and Ron Rossknecht.

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Jason Theunissen, Michael Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. ELECTION OF OFFICERS

**Molitor stated the Planning Commission elects new officers during the first annual organizational meeting in July of each year. Molitor opened nominations for officer positions.**

**Moved by Johnson and seconded by Lasseter to nominate Rich Marsh as Chairperson, Jim Coleman as Vice-Chairperson and Charlie Johnson as Second Vice-Chairperson. Vote: unanimous 5 to 0.**

2. APPROVAL OF THE JUNE 22, 2020, MINUTES

**Moved by Runde and seconded by Rossknecht to approve the Minutes of the June 22, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.**

3. APPROVAL OF THE AGENDA

**Moved by Lasseter and seconded by Runde to approve the Agenda of the July 13, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.**

**Moved by Rossknecht and seconded by Lasseter to approve the Consent Agenda of the July 13, 2020, Planning Commission meeting, with the removal of Items #9 and Item #12. Vote: unanimous 5 to 0.**

**CONSENT AGENDA**

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

4. **CONDITIONAL USE PERMIT REVIEW / CU 99-52:** Pluemjit Aaron (Little). To review a single-wide mobile home as a caretaker's residence for an existing business in a General Commercial District in accordance with Sections 204-I-7 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot J, Weaver Townsite, Section 8, T2N, R9E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 99-52, as it is no longer needed.**

**Vote: unanimous 5 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-41:** Pluemjit Aaron (Little). To review an existing structure (restaurant) to be used as a single-family residence 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 Lot J, Weaver Townsite, Section 8, T2N, R9E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 17-41, as it is no longer needed.**

**Vote: unanimous 5 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 05-31:** Dale and Kathy Wormstadt. To review a second residence on the property to be used as a caretaker's residence in a General Agriculture District in accordance with Sections 204 and 205 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of Lot 1 of S1/2 SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 05-31, as it is no longer needed.**

**Vote: unanimous 5 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-09:** Scott and Christine Grierson. To review a Recreational Vehicle to be used as temporary living quarters on the subject property (Lot 6) while building a single-family residence on Lot 5 in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 6, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the May 26, 2020, Planning Commission meeting.)

**To approve the extension of Conditional Use Permit / CU 18-09 with the following eight (8) conditions:**

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);
2. That the address assigned for the property continue to be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property or an approved Setback Variance be obtained;
4. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
5. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
7. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-37:** Glenn and Debbie Lepp. To review a store and fiber mill on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 18-37 to the July 27, 2020, Planning Commission meeting.**

**Vote: unanimous 5 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 19-20:** Cody Rust Butler; Jeannie Marr – Agent. To review an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Tract A of Lot 2 of SW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the June 22, 2020, Planning Commission meeting.)

**To approve the extension of Conditional Use Permit / CU 19-20 with the following fifteen (15) 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 twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
2. **That the website listing(s) for the Vacation Home Rental is updated to correctly state that six (6) overnight occupants are allowed;**
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 and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**
5. **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;**
6. **That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
7. **That the applicant 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;**
8. **That a minimum of two (2) off-street parking spaces 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;**

9. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, 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;
10. That the lot address (23835 Marshall Gulch Road) be posted on the residence at all times and so it is clearly visible from Marshall Gulch Road, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Jeannie Marr, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
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 an approved Sign Permit be obtained prior to the placement of any sign(s);
15. 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;
16. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

11. **CONDITIONAL USE PERMIT / CU 20-12:** Michael and Marella Anderson. To allow an existing living quarters to be used as a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 9, Stratmeyer Addition, Section 13, T1S, R6E, BHM, Pennington County, South

Dakota.

**To approve of Conditional Use Permit / CU 20-12 with the following eleven (11) conditions:**

- 1. 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;**
- 2. That a separate address be assigned for the Guest House;**
- 3. That the address for the Guest House and the primary residence is clearly posted on each of the structures and at the driveway so that it is visible from Earl Court, in accordance with Pennington County's Ordinance #20;**
- 4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
- 5. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;**
- 6. That the Guest House shall not be used for more than 180 days per calendar year;**
- 7. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PZCO Section 318 (B)(10);**
- 8. That the Guest House be continually utilized and maintained in accordance with all requirements of Section 318;**
- 9. That prior to the existing attached living space being used as a Guest House, the applicant file a deed restriction record with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) Section 318(B)(13);**
- 10. That the subject property remains free of debris and junk vehicles; and,**
- 11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 5 to 0.**

13. **CONDITIONAL USE PERMIT / CU 20-14:** John and Emily Rowe. To allow an existing single-family residence to be used as a Bed and Breakfast in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

PT Ray Smith Placer MS #995 S of Highway, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 20-14 with the following fifteen (15) conditions:**

1. **That the maximum overnight occupancy of the Bed and Breakfast 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) and South Dakota Department of Environmental and Natural Resources approval;**
2. **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;**
3. **That the minimum required setbacks of a Limited Agriculture District be continually maintained on the subject property or approved Setback Variance(s) be obtained;**
4. **That the addresses for each residence (12171 and 12175 Deerfield Road) be posted on the Bed and Breakfast and the primary single-family residence at all times, in accordance with Pennington County's Ordinance #20;**
5. **That an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;**
6. **That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310(r), which requires one (1) parking space per two rooms or suite plus two (2) parking spaces per every three (3) employees;**
7. **That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;**
8. **That prior to the use of the secondary residence as a Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Bed and Breakfast, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;**

9. That prior to the use of the secondary residence as a Bed and Breakfast, the applicant obtains all required County On-site Wastewater Treatment System Operating Permits;
10. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be made available to the Planning Department upon request;
11. That the property remains free of debris and junk vehicles and all structures be well-maintained;
12. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
13. That quiet hours for the Bed and Breakfast be between 10 p.m. and 8 a.m.;
14. That the applicant comply with SDCL 34-18-9, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

14. **CONDITIONAL USE PERMIT / CU 20-15:** Greg Helgeson. To allow a single-wide mobile home to be used as a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4NE1/4 (aka W1/2 GL 1), Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 20-15 with the following nine (9) conditions:**

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
2. 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;



3. That the property address (13779 Ember Road) be clearly posted and visible from Ember Road, as well as located on the single-wide mobile home in accordance with Pennington County's Ordinance #20;
4. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
5. That the subject property remains free of debris and junk vehicles;
6. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
7. That an approved Approach Permit be obtained from the Pennington County Highway Department prior to adding an additional approach;
8. 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,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

15. **MINOR PLAT / MPL 20-13:** Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

**To recommend approval of Minor Plat / MPL 20-13 with the following five (5) conditions:**

1. 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;
2. That all natural drainage ways are maintained and are not blocked;

3. 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;
4. That access for Lot 1R is taken from the existing approach for the subject property; and,
5. That an approved Floodplain Development permit be obtained prior to any disturbance within the Special Flood Hazard Area.

**Vote: unanimous 5 to 0.**

#### **END OF CONSENT AGENDA**

9. CONDITIONAL USE PERMIT REVIEW / CU 19-19: Dale and Sarah Gadbois. To review a secondary structure prior to a primary residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommend approval of the extension of Conditional Use Permit / CU 19-19 with the following nine (9) conditions:

1. That an approved Approach Permit be obtained from Martin Ranch Trail Road District prior to the installation of a driveway;
2. That an approved Construction Permit be obtained for the access road to the accessory structure if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(1);
3. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground;
4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any plumbing in the accessory structure;
5. That the proposed shed be used for personal use only and no commercial and or residential-type uses;

6. That all the natural drainage paths be maintained;
7. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
8. That the address (13815 Martin Ranch Trail) continue to be posted on the shed and at the end of the driveway off of Martin Ranch Trail, in accordance with Pennington County's Ordinance #20; and,
9. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Johnson and seconded by Lasseter to approve of the extension of Conditional Use Permit / CU 19-19 with the following nine (9) conditions:**

- 1. That an approved Approach Permit be obtained from Martin Ranch Trail Road District prior to the installation of a driveway;**
- 2. That an approved Construction Permit be obtained for the access road to the accessory structure if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(1);**
- 3. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground;**
- 4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any plumbing in the accessory structure;**
- 5. That the proposed shed be used for personal use only and no commercial and or residential-type uses;**
- 6. That all the natural drainage paths be maintained;**
- 7. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**
- 8. That the address (13815 Martin Ranch Trail) continue to be posted on the shed and at the end of the driveway off of Martin Ranch Trail, in accordance with Pennington County's Ordinance #20; and,**
- 9. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning**

**Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 5 to 0.**

12. CONDITIONAL USE PERMIT / CU 20-13: Richard Redetzke. To allow a single-wide mobile home to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, Sharp Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

A member of the public asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit / CU 20-13 with the following eight (8) conditions:

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
2. That the property address (1713 Sharp Drive) be posted in accordance with Pennington County Ordinance #20;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
6. 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;
7. That the applicant utilizes the existing approach and that no new approaches be constructed; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Johnson and seconded by Lasseter to approve of Conditional Use Permit / CU 20-13 with the following eight (8) conditions:**

- 1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;**
- 2. That the property address (1713 Sharp Drive) be posted in accordance with Pennington County Ordinance #20;**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 4. That the subject property remains free of debris and junk vehicles;**
- 5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
- 6. 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;**
- 7. That the applicant utilizes the existing approach and that no new approaches be constructed; and,**
- 8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 5 to 0.**

16. REZONE / RZ 20-03: Richard Sterkel. To rezone 10.01 acres from Limited Agriculture District to Suburban Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Zoning Ordinance.

Lot G, Clemmons Addition, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 10.01 acres from Limited Agriculture District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 20-03.

Discussion followed.

**Moved by Runde and seconded by Lasseter to approve of Rezone / RZ 20-03.**

**All voting aye, the Motion carried 5 to 0.**

17. LAYOUT PLAN / LPL 20-16: James and Marilyn Dean. To reconfigure lots lines to create Lot A, B, and C of JM Dean Subdivision and Tract 5R of Storm Hill Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Eddy #1 Lode MS 523; Tract 4 and Tract 5 of Storm Hill Subdivision, all located in Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, and C of JM Dean Subdivision and Tract 5R of Storm Hill Subdivision, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicants have applied for a Layout Plan to reconfigure lot lines to create Lot A, B, and C of JM Dean Subdivision and Tract 5R of Storm Hill Subdivision.

Staff recommended approval of Layout Plan / LPL 20-16 with the following seven (7) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
6. That 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,
7. 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 Johnson to approve of Layout Plan / LPL 20-16 with the following seven (7) conditions:**

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
- 4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**
- 6. That 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,**
- 7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 5 to 0.**

18. REZONE / RZ 20-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-03:  
James and Marilyn Dean. To rezone 10.00 acres from General Agriculture District to Low Density Residential District and to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, 213, and 508 of the Pennington County Zoning Ordinance.

All of Eddy #1 Lode MS 523, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicants have applied for a Rezone and Comprehensive Plan Amendment to rezone 10.00 acres from General Agriculture District to Low Density Residential District and to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

Staff recommended approval of Rezone / 20-04 and Comprehensive Plan Amendment / CA 20-03.

Discussion followed.

**Moved by Rossknecht and Runde to approve of Rezone / 20-04 and Comprehensive Plan Amendment / CA 20-03.**

**All voting aye, the Motion carried 5 to 0.**

19. LAYOUT PLAN / LPL 20-14: Grandview Land, LLC (Dan Lewis); Gordon Howie – Agent. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way.

Staff recommended denial of Layout Plan / LPL 20-14, as the proposed subdivision would further increase density on a dead-end road system with only one (1) means of vehicular ingress and egress.

If the Planning Commission chooses to approve Layout Plan / LPL 20-14, Staff recommends the following eight (8) conditions:

1. That upon filing the Plat with the Register of Deeds, a Deed Restriction also be filed restricting the residential use and issuance of any Building Permits on all the proposed lots (Lot 2 of Block 2, Lots 1 and 2 of Block 3 and Lots 7-10 of Block 3) until such time that a second means of vehicular ingress and egress is constructed in accordance with Ordinance 14 Standards and the road approved by County Highway;
2. That at the time of Preliminary Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations be obtained waiving any of these requirements that are not met;



3. That at the time of Preliminary Plat submittal, the Plat heading be corrected to state “Formerly needs Government Lot 2 corrected to Government Lot 3...”, as required by the Register of Deeds;
4. That a Variance to the Subdivision Regulations be obtained from the Board of Adjustment to allow additional lots on a dead-end road without a second means of vehicular ingress or egress conditioned that no Building Permits will be issued on those lots until such time a second means of vehicular ingress or egress is constructed;
5. That at the time of Final Plat submittal, the applicant provide engineered construction plans for sewer line improvements for extension of the sewer line to the lagoon system, or an approved Variance to the Subdivision Regulations be obtained waiving this requirement;
6. That no Building Permits will be issued on proposed Lot 2 of Block 2 and Lots 1 and 2 of Block 3 until such time the sewer line is installed and connected to the existing lagoon system;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Runde and seconded by Lasseter to continue Layout Plat / PL 20-14 to the July 27, 2020, Planning Commission meeting.

**SUBSTITUTE MOTION: Moved by Johnson and seconded by Rossknecht to approve of Layout Plan / LPL 20-14 with the following eight (8) conditions:**

1. **That upon filing the Plat with the Register of Deeds, a Deed Restriction also be filed restricting the residential use and issuance of any Building Permits on all the proposed lots (Lot 2 of Block 2, Lots 1 and 2 of Block 3 and Lots 7-10 of Block 3) until such time that a second means of vehicular ingress and egress is constructed in accordance with Ordinance 14 Standards and the road approved by County Highway;**
2. **That at the time of Preliminary Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations be obtained waiving any of these requirements that are not met;**
3. **That at the time of Preliminary Plat submittal, the Plat heading be corrected to state “Formerly needs Government Lot 2 corrected to Government Lot 3...”, as required by the Register of Deeds;**

4. **That a Variance to the Subdivision Regulations be obtained from the Board of Adjustment to allow additional lots on a dead-end road without a second means of vehicular ingress or egress conditioned that no Building Permits will be issued on those lots until such time a second means of vehicular ingress or egress is constructed;**
5. **That at the time of Final Plat submittal, the applicant provide engineered construction plans for sewer line improvements for extension of the sewer line to the lagoon system, or an approved Variance to the Subdivision Regulations be obtained waiving this requirement;**
6. **That no Building Permits will be issued on proposed Lot 2 of Block 2 and Lots 1 and 2 of Block 3 until such time the sewer line is installed and connected to the existing lagoon system;**
7. **That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,**
8. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting, the Motion carried 4 to 1. Commissioner Runde vote no**

20. LAYOUT PLAN / LPL 20-15: K.W. Lindsay; Robert Livingston – Agent. To create Lots 1, 2, and 3 of Tract Lake Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lots 1, 2, and 3 of Tract Lake Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 1, 2, and 3 of Tract Lake Subdivision.

Staff recommended approval of Layout Plan / LPL 20-15 with the following nine (9) conditions:

1. That the applicants obtain approved Approach Permits from the South Dakota Department of Transportation prior to installation of any approaches off of Highway 385;
2. That prior to filing the Plat with the Register of Deeds, Lots 2 and 3 be Rezoned appropriately, to include a Comprehensive Plan Amendment;

3. That the applicants ensure all natural drainage ways are maintained and not blocked;
4. That the Certifications on the 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;
5. 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;
6. 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;
7. 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);
8. 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,
9. 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 Johnson and Lasseter to approve of Layout Plan / LPL 20-15 with the following nine (9) conditions:**

- 1. That the applicants obtain approved Approach Permits from the South Dakota Department of Transportation prior to installation of any approaches off of Highway 385;**
- 2. That prior to filing the Plat with the Register of Deeds, Lots 2 and 3 be Rezoned appropriately, to include a Comprehensive Plan Amendment;**
- 3. That the applicants ensure all natural drainage ways are maintained and not blocked;**
- 4. That the Certifications on the 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;**

5. 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;
6. 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;
7. 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);
8. 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,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

**All voting aye, the Motion carried 5 to 0.**

21. ORDINANCE AMENDMENT / OA 20-03: Pennington County. To amend Section 309-C-6 “Yard, Building Setback Exceptions” [to replace and supersede Section 309-C-6 “Yard, Building Setback Exceptions”] of the Pennington County Zoning Ordinance.

Molitor stated this is an Ordinance Amendment to amend Section 309-C-6 “Yard, Building Setback Exceptions” [to replace and supersede Section 309-C-6 “Yard, Building Setback Exceptions”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-03.

Discussion followed.

**Moved by Lasseter and seconded by Johnson to approve of Ordinance Amendment / OA 20-03.**

**All voting aye, the Motion carried 5 to 0.**

22. ORDINANCE AMENDMENT / OA 20-04: Pennington County. To amend Section 511 “Fees” [to replace and supersede Section 511 “Fees”] of the Pennington County Zoning Ordinance.

Molitor stated this is an Ordinance Amendment to amend Section 511 “Fees” [to replace and supersede Section 511 “Fees”] of the Pennington County Zoning Ordinance.

Discussion followed.

**Moved by Johnson and seconded by Rossknecht to approve of Ordinance Amendment / OA 20-04 with a language change in Section 511-A-6-a-i.**

**All voting aye, the Motion carried 5 to 0.**

23. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 22, 2020, Planning Commission meeting.

24. ITEMS FROM THE PUBLIC

No motions or actions take at this time.

25. ITEMS FROM THE STAFF

A. Planning Department. Michaele Hoffman, from the State's Attorney's Office, stated she has taken a position with the U.S. Attorney's Office and introduced Cullen McNeece as the attorney who will now be working with the Planning Department.

B. Building Permit Report. Molitor reviewed the Building Permit Report for June 2020.

26. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of adding language to the Notice of Hearing letters indicating where the public can locate the Agenda Packet on the Planning Department website to view Staff Reports, and, further discussed the legal publication notices and if they can be added to the Planning Department website for public availability.

Chairman Marsh stated he may not be in attendance for the July 27<sup>th</sup> PC Meeting.

27. ADJOURNMENT

**Moved by Lasseter and seconded by Runde to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 10:37 a.m.**

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Rich Marsh, Chairperson