

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 10, 2020 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Kathy Johnson, Charlie Johnson, Sandra Runde, Gary Drewes, Jim Coleman (teleconference).

STAFF PRESENT: Brittney Molitor (teleconference), Kristina Proietti, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 27, 2020, MINUTES

Moved by Lasseter and seconded by C. Johnson to approve the Minutes of the July 27, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – 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 August 10, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by Lasseter and seconded by Drewes to approve the Consent Agenda of the August 10, 2020, Planning Commission meeting, with the removal of Item #10. Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – 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 12-22:** Steve and Dorothy Wilkison (Redfern Ranch). To review multiple RV sites to be used on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4 less DW Hansen Tract, less Tract Sires and less ROW, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 12-22 with the following fourteen (14) conditions:

1. That the family recreation vehicle park consists of a 40 foot by 100 foot pole barn and five (5) recreational vehicle sites;
2. That the recreational vehicle park continue to be limited to private use and is not to be used commercially;
3. That the lot address (23465 Mystic Road) continue to be clearly posted on the property so it is visible from both directions along Mystic Road in accordance with Pennington County's Ordinance #20;
4. That use of the family recreational vehicle park continue to be limited to 180 days of the year;
5. That if the applicant intends to have any open fires or fire pits the appropriate permits must be obtained from South Dakota Forestry;
6. That the property continually remains free of debris and junk vehicles and the property, itself, and structures be well-maintained;
7. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible at all times;
8. That a 25 foot setback be maintained for all structures located on the property or else an approved Setback Variance be obtained;
9. 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;
10. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review of this Conditional Use Permit;
11. That no additional tent camping be allowed;
12. That upon sale or transfer of the property, if the property is transferred beyond the applicant's immediate family or a closely held corporation owned by the applicant's immediately family, the Conditional Use Permit is revoked, and this Conditional Use Permit is only for the purchasers, Steve and Dorothy Wilkison, and the Conditional Use Permit shall be revoked if it reverts back to the seller of the property (the original holder of the land);
13. That garbage storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution; and,

14. That this Conditional Use Permit be reviewed in three (3) years, as deemed necessary by the Planning Commission or the County Board of Commissioners, or on a complaint basis to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-18:** Steve and Kathryn Venteicher. To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A Revised of Lot 15, Stratmeyer Addition, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-18 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people;
2. That the address for the residence (23773 Pine Haven Drive) continue to be posted at all times on the residence and at the driveway so that it is visible from both directions of travel on Pine Haven Drive in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a Low Density Residential District continue to be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That the applicant continue to provide a landline in case of an emergency;
7. That the Landowners 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;
8. That the applicant continues 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;
9. That a minimum of five (5) off-street parking spaces continue to 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;

10. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G, with 399-3721 and 394-4139 listed as contacts for the Fire Department and Sheriff's Department, during operating of the residence as a VHR;
11. That the applicant ensure the VHR continues to operate in accordance with the requirements of Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Steve and Kathryn Venteicher, 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;
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 obtain approval of a Sign Permit and such signs must meet all requirements of Section 312;
15. That each review of Conditional Use Permit / CU 16-18, be subject to Section 511(F)(4), which imposes a \$100 fee per review; and,
16. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission to verify that all conditions are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-23:** Harlan and Carol Hoffman. To review a Recreational Vehicle to be used as temporary living quarters during the summer months on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 6, Slate Creek Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 16-23 to the September 14, 2020, Planning Commission meeting.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-19:** Greg Bolt. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-19 with the following nine (9) conditions:

1. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
2. That the Guest House shall not be used for more than 180 days per calendar year;
3. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with Section 318(B)(10);
4. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
5. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;
6. That both the addresses assigned for the primary residence and the Guest House continually be posted so they are clearly visible from Silver Mountain Road, in accordance with Pennington County Ordinance #20;
7. That the Guest House be continually utilized and maintained in accordance with all requirements of Section 318;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; 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 or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-40:** Eli Rodolph / Rodolph Investments. To review an accessory structure (pole barn building) prior to a principal

structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-40 with the following ten (10) conditions:

- 1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;**
- 2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;**
- 4. That the proposed pole barn be used for personal use only and no commercial-type uses;**
- 5. That all the natural drainage paths be maintained;**
- 6. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;**
- 7. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance § 507(A) and 511(C)(1);**
- 8. That the lot address (13337 S. Highway 16) continue to be posted on the pole barn at all times and at the end of the driveway off of S. Highway 16, in accordance with Pennington County's Ordinance #20;**
- 9. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106; and,**
- 10. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

- 8. CONDITIONAL USE PERMIT REVIEW / CU 19-03: Joseph and Teri Creager. To review a storage shed/garage as a primary structure on the subject property in a Suburban**

Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

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

To approve the extension of Conditional Use Permit / CU 19-03 with the following eight (8) conditions:

- 1. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;**
- 3. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;**
- 4. That the proposed storage shed/garage be used for personal use only and no commercial-type uses;**
- 5. That all the natural drainage paths be maintained;**
- 6. That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
- 7. That an address be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County's Ordinance #20; and,**
- 8. That this Conditional Use Permit be reviewed 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 19-06: Big Game Storage, LLC; Chris Peterson. To review a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.**

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-06 with the following six (6) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
2. That a Building Permit be obtained for the sign prior to any work done for the sign;
3. That the sign continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
4. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
5. That the Conditional Use Permit automatically expire May 13, 2021, if the use for which the Conditional Use Permit was granted has not been established.
6. That this Conditional Use Permit be reviewed at the May 24, 2021, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.

Vote: unanimous 7 to 0.

11. **ROAD NAMING:** Randy Dowdy. To name a 26-foot-wide interior access road providing access to property located in Section 17, T2N, R8E, BHM, South Dakota, to Kona Court.

To recommend approval of the Road Naming of Kona Court.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

10. **CONDITIONAL USE PERMIT REVIEW / CU 19-21:** Ryan and Dawn Loraas. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4R, Block D, Edelweiss Mountain Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Commissioner C. Johnson asked to have this Item removed from the Consent Agenda and stated he would be abstaining from voting.

Staff recommended approval of the extension of Conditional Use Permit / CU 19-21 with thirteen (13) conditions.

Moved by Lasseter and seconded by Runde to approve the extension of Conditional Use Permit / CU 19-21 with the following thirteen (13) conditions:

- 1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO Section 319(F)(13);**
- 2. That each review of Conditional Use Permit / CU 19-21, be subject to PCZO Section 511(F)(4), which imposes a \$100 fee per review;**
- 3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Lodging License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 4. That the applicant 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 provided to the Planning Department upon request;**
- 5. That a minimum of three (3) 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;**
- 6. 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;**
- 7. That the lot address (205 Danube Lane) be posted on the residence and be clearly visible from Danube Lane at all times, in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;**
- 9. That if the person designated as the Local Contact is ever changed from Julie Mechaley, 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;**

10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. 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,
13. That this Conditional Use Permit be reviewed in two (2) 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.

Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, and Runde - aye. Roll Call Vote: carried 6 to 0. Commissioner C. Johnson abstained.

12. CONDITIONAL USE PERMIT REVIEW / CU 17-48: Fred and Michelle Prien. To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating this is a review of a Conditional Use Permit for transfer of a Vacation Home Rental.

Staff recommended approval of the transfer of Conditional Use Permit / CU 17-48 with fifteen (15) conditions.

Discussion followed.

Moved by Drewes and K. Johnson to approve the transfer of Conditional Use Permit / CU 17-48 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy continue to be, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per PCZO Section 319(F)(13);
2. That if 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 applicant maintain current licenses with the South Dakota Department of Health Lodging 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 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 three (3) 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 or signs continue to 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;
8. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions 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 Edelweiss Mountain Lodging 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;
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 on-premise sign(s);
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;
14. That this Conditional Use Permit be automatically revoked upon sale or transfer of ownership of the subject property, unless a transfer of this Conditional Use Permit is accomplished per Pennington County Zoning Ordinance Section 319; and,

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

Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, and Runde - aye. Roll Call Vote: carried 6 to 0. Commissioner C. Johnson abstained.

13. LAYOUT PLAN / LPL 20-19: Ray and Elizabeth Strand. To combine lots to create Lot 5RA, Block 2 of Hart Ranch West #1 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4RA and 5R Revised, Block 2 of Hart Ranch West #1, Sections 28 and 29, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5RA, Block 2 of Hart Ranch West #1, Sections 28 and 29, T1S, R7E, BHM, Pennington County, South Dakota.

Jansen reviewed the Staff Report indicating the applicants have applied for a Layout Plan to combine two lots to create Lot 5RA, Block 2 of Hart Ranch West #1.

Staff recommended approval of Layout Plan / LPL 20-19 with the following five (5) conditions:

1. That at the time of Minor Plat application submittal, eight (8) foot Minor Drainage Easements are 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 application 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; and,
5. 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 C. Johnson and seconded by Drewes to approve of Layout Plan / LPL 20-19 with the following five (5) conditions:

- 1. That at the time of Minor Plat application submittal, eight (8) foot Minor Drainage Easements are 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 application 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; and,**
- 5. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

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

14. LAYOUT PLAN / LPL 20-20: Link SD Ranches, LLC; Jesse Sondreal – Agent. To create Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4 and NE1/4, Sections 17 and 20, T5N, R16E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition, Sections 17 and 20, T5N, R16E, BHM, Pennington County, South Dakota.

Proietti review the Staff Report indicating the applicant has applied for a Layout Plan to create Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition.

Staff recommended approval of Layout Plan / LPL 20-20 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 the 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 K. Johnson and seconded Lasseter to approve of Layout Plan / LPL 20-20 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 the 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.**

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

15. CONDITIONAL USE PERMIT / CU 19-28: R & J, LLC; Juston Eisenbraun - Agent. To allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for Conditional Use Permit to allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District.

Staff recommended to continue Conditional Use Permit / CU 19-28 until profile holes are completed and approved and final approval is obtained for the requested water right. However, if the Planning Commission wishes to recommend approval of Conditional Use Permit / CU 19-28, Staff recommends the following twenty-three (23) conditions be included:

1. That the Campground consist of recreational vehicle sites, cabins, two (2) bath houses, playground, pool, office/store with laundry, pavilion, maintenance building, and a well house;
2. That no more than 85 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-feet-wide;
3. That no more than fifteen (15) cabins be allowed;
4. That no tent sites be allowed;
5. That each site recreational vehicle 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;
6. That each RV site be equipped with water, sewer and electric hook-ups;

7. That each RV site or cabin must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
8. That a minimum 30-foot separation be provided between each RV site;
9. That all the interior streets shall be a minimum of 16 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
10. That a vegetative barrier is planted and maintained along the northern and western boundary of the property;
11. That the onsite wastewater treatment system consists of an alternative treatment (ATU) system, or similar, approved by the South Dakota Department of Environment and Natural Resources;
12. That the applicant maintains some type of barrier (i.e. fence, boulders) around the onsite 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;
13. That any alterations or additions to the wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Onsite Wastewater Specialist and may require an Onsite Wastewater Construction Permit;
14. That the Campground conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That the required setbacks for all structures be a minimum of 25 feet from the front yard property lines, 63 feet from the west side yard property line due to the Section Line Right-of-Way, 30 feet from the rear yard property line and 10 feet from the east side yard property line;
16. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Conditional Use Permit;
17. 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;
18. That Quiet hours shall be from 10 p.m. until 7 a.m.;
19. That prior to the placement of any sign, the applicant obtains approval of a Sign Permit;

20. That a Storm Water Permit is obtained prior to any dirtwork/disturbance on the subject property;
21. That the applicant works with the South Dakota Department of Transportation on mitigation of the approach off of S. Highway 16;
22. That the applicant obtains all necessary permits from other governing bodies for operation of the Campground 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; and,
23. 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 K. Johnson and seconded by Lasseter to take a recess. Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by Drewes and seconded by Drewes to reconvene. Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Discussion further followed.

Moved by Lasseter and seconded by K. Johnson to continue Conditional Use Permit / CU 19-28 until profile holes are completed and approved and final approval is obtained for the requested water right.

Substitute Motion: Moved by Drewes and seconded by Runde to deny Conditional Use Permit / CU 19-28. Roll Call: Marsh – no, Coleman – no; Lasseter – no, K. Johnson – no, C. Johnson – no. Drewes and Runde - aye. Roll Call Vote on Substitute Motion: failed 5 to 2.

Discussion followed to add the language “and all other requirements of Section 306 are met” in the Original Motion.

Moved by Lasseter and seconded by K. Johnson to continue Conditional Use Permit / CU 19-28 until profile holes are completed and approved and final approval is obtained for the requested water right and all other requirements of Section 306 are met.

Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye. Runde - no. Roll Call Vote: carried 6 to 1.

Commissioner Lasseter left the meeting at 12:54 p.m.

16. ORDINANCE AMENDMENT / OA 20-05: Pennington County. To amend Section 510 “Conditional Use Permits” [to amend and supersede the existing Section 510 “Conditional Use Permits”] of the Pennington County Zoning Ordinance.

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

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to amend Section 510 “Conditional Use Permits” [to amend and supersede the existing Section 510 “Conditional Use Permits”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-05.

Discussion followed.

Commissioner Runde left the meeting at 1:00 p.m.

Moved by K. Johnson and seconded by C. Johnson to approve of Ordinance Amendment / OA 20-05.

Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; K. Johnson – aye, and C. Johnson – aye. Roll Call Vote: carried 5 to 0.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the July 27, 2020, Planning Commission meeting, with the exception of:

1. PLANNED UNIT DEVELOPMENT REVIEW / PU 05-18: Gordon Howie. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance; and,
2. LAYOUT PLAN 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.

These items were continued to the August 18, 2020, BOC meeting.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

A. Building Permit Report. The July 2020 Building Permit Report was reviewed.

20. ITEMS FROM THE MEMBERSHIP

Commissioner Coleman will not be in attendance for the August 24th meeting.

Commissioner Johnson spoke of County representation at the State level.

Chairman Marsh stated he may not be at the August 24th meeting, and, he further discussed Conditional Use Permit submittal requirements.

21. ADJOURNMENT

Moved by K. Johnson and seconded by Drewes to adjourn.

Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; K. Johnson – aye, and C. Johnson – aye. Roll Call Vote: carried 5 to 0.

The meeting adjourned at 1:30 p.m.

Rich Marsh, Chairperson