

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 23, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Sande Runde, Jim Coleman, Sandy Brockhouse, and Lloyd LaCroix.

STAFF PRESENT: Cody Sack, Chutima Supboon, Madisen Ransom, Cody Sack, Megan Krueger (State's Attorney's Office), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE AUGUST 9, 2021, MINUTES
Moved by Runde and seconded by McGregor to approve the Minutes of the August 9, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by McGregor to approve the Agenda of the August 23, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Runde and seconded by Johnson to approve the Consent Agenda of the August 23, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 14-08:** Basin Electric Power Cooperative. To review an addition to an existing electrical substation in a Limited Agriculture District in accordance with Sections 206 and 506 of the Pennington County Zoning Ordinance.

S1/2SE1/4SW1/4; S1/2N1/2SE1/4SW1/4; SE1/4 SW1/4SW1/4 LESS W220ft; S1/2NE1/4 SW1/4SW1/4 LESS W220ft, Section 28, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-08 with the following ten (10) conditions:

1. **That all existing drainage ways are continually maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water;**

2. To maintain post construction “Best Management Practices” required by the water quality capture volume (Section 203 – Storm Water Quality Manual);
3. That the facility be continually secured with a fence at least 7 feet in height;
4. That 2 off-street parking spaces be continually provided. Each space shall measure at least 9 feet by 18 feet and shall be kept in a dust free manner;
5. That reasonable steps shall continually be taken to reduce light and sound emissions from the facility;
6. That the installation of any additional breaker stations or items associated with the station requires review and approval by the Pennington County Planning Department;
7. 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;
8. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with 4-inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;
9. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,
10. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Pennington County Board of Directors or the Pennington County Planning Commission to verify compliance with the above-mentioned conditions of approval.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-28:** Laura Pankratz. To review two (2) existing signs to be relocated on the subject property, to allow for the two (2) existing signs to be located within 1,500 feet of a residential zoning district/dwelling unit, and to allow for the two (2) existing signs to be located closer to each other than 1,500 feet from all other signs in a Highway Service District in accordance with Sections 210, 312, and 506 of the Pennington County Zoning Ordinance.

Lot 3, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-28 with the following eight (8) conditions:

1. That the applicant is allowed 2 signs to be the required 1,500 feet apart (according to the site plan submitted) and the angle of the V-shaped signs be no greater than 25 degrees, the angle of the previously existing V-shaped signs on the subject property;
2. That the 2 signs continue to conform to all regulations in § 312 of the Pennington County Zoning Ordinance, with the exception of those specifically addressed within CU 17-28;
3. That the signs be continually maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
4. That the installation of any other sign(s) on the property requires a separate Sign Permit to be obtained and this Conditional Use Permit amended;
5. That the 2 signs not be illuminated unless a Conditional Use Permit is approved to allow for such use;
6. That the overall height of the two sign(s), including ground clearance, not exceed 30 feet and the maximum display area not exceed 250 square feet on each face;
7. That the two sign(s) must continually meet a minimum of a 5-foot setback from the front property line and 25-foot setbacks from all side and rear property lines. Also, that no part of the sign(s) or infrastructure(s) be located in any right-of-way; and,
8. That this Conditional Use Permit be reviewed on a complaint basis or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify all conditions are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-08:** Stromer Properties, LLC; Brook Stromer. To review an illuminated, 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 506 of the Pennington County Zoning Ordinance.

Lot A2; Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-08.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-08:** Jeffrey Scherr. To live in a Recreational Vehicle (camper) while building a single-family residence on the subject property in accordance with Sections 207 and 506 of the Pennington County Zoning Ordinance.

Lot D2 of Lot 17 of Fort Mead Placer MS 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-08 with the following eleven (11) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;**
2. **That the RV be located outside the Special Flood Hazard Area;**
3. **That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
4. **That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV on the subject property;**
5. **That prior to utilization of the RV on the subject property, the applicant install the onsite wastewater treatment system and have it inspected and approved by Pennington County;**
6. **That the RV being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;**
7. **That the minimum setback requirements of a Rural Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;**
8. **That the subject property remains free of debris and junk vehicles;**
9. **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;**
10. **That upon completion of the single-family residence on the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property; and,**

11. 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 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-15:** Samuel G. Fullerton III. To allow for a caretaker's residence on the subject property after a single-family residence is built in a Limited Agriculture District in accordance with Sections 206 and 506 of the Pennington County Zoning Ordinance.

Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-15 with the following six (6) conditions:

1. That the addresses for both the proposed single-family residence and the proposed caretaker's residence continue to be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
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 setback requirements of an Agriculture District be continually maintained on the property or a setback Variance be obtained;
4. That the subject property continues to remain free of debris and junk vehicles;
5. That once care is no longer needed, the caretaker's residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
6. That this Conditional Use Permit be reviewed in 2 years, 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 7 to 0.

END OF CONSENT AGENDA

8. CONDITIONAL USE PERMIT / CU 21-48: Lauri Harris. To allow a Recreational Vehicle to be used as a ranch hand's residence in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

N1/2N1/2N1/2SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

Suppoon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle as a ranch hand's residence on the subject property.

Staff recommended denial of Conditional Use Permit / CU 14-28, as it is not in harmony with existing lots, current land uses, or future land use designations in the area.

Discussion followed.

Commissioner Runde left the meeting at 9:44 a.m.

Moved by Coleman and seconded by Johnson to deny Conditional Use Permit Conditional Use Permit / CU 14-28, as it is not in harmony with existing lots, current land uses, or future land use designations in the area.

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT / CU 21-49: Kyle and Claire Schmidt. To allow an accessory dwelling unit to be utilized on the subject property in an Agriculture District in accordance with Sections 205, 324 and 510 of the Pennington County Zoning Ordinance.

Tract 5, Red Rock Valley Subdivision, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

Subpoon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory dwelling unit to be utilized on the property.

Staff recommended to continue Conditional Use Permit / CU 21-49 to the September 13, 2021, Planning Commission meeting to allow the applicant time to readvertise the Conditional Use Permit request and to resend the Notice of Hearing letters for a Guest House.

Commissioner Runde returned to the meeting at 9:47 a.m.

Discussion followed.

Moved by Runde and seconded by Johnson to continue Conditional Use Permit / CU 21-49 to the September 13, 2021, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

Commissioner Brockhouse left the meeting at 9:52 a.m.

10. CONDITIONAL USE PERMIT AMENDMENT / CU 14-25: Jeff DeVeny. To amend an existing Conditional Use Permit to increase the size of one of the existing storage units from 40' x 184' to 50' x 184' in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

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

Sack reviewed the Staff Report indicating the applicant has applied to amend an existing Conditional Use Permit to increase the size of one of the existing storage units from 40' x 184' to 50' x 184'.

Staff recommended approval of Conditional Use Permit Amendment / CU 14-25 with the following eleven (11) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a minimum of four (4) parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 40' x 184' and one 50' x 184' and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner's expense;
4. That the business address be continually posted and clearly visible in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;

8. That the applicant continually ensures that all natural drainage ways continue to be maintained and are not blocked;
9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Agriculture and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and that a sign continually be posted indicating after hours contact information with the owner's phone number; and,
11. That this Conditional Use Permit be reviewed by the Planning Commission in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Commissioner Brockhouse returned to the meeting at 9:54 a.m.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Conditional Use Permit Amendment / CU 14-25 with the following eleven (11) conditions:

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That a minimum of four (4) parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 40' x 184' and one 50' x 184' and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner's expense;**
- 4. That the business address be continually posted and clearly visible in accordance with Ordinance #20;**
- 5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;**
- 6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed**

25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;

- 7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;**
- 8. That the applicant continually ensures that all natural drainage ways continue to be maintained and are not blocked;**
- 9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Agriculture and Natural Resources;**
- 10. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and that a sign continually be posted indicating after hours contact information with the owner's phone number; and,**
- 11. That this Conditional Use Permit be reviewed by the Planning Commission in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

11. VACATION OF EASEMENT / VE 21-02: Kyle Wiese. To vacate the existing Utility Easement on Valley View Tract Revised of Lakota Lake Encampment Subdivision in accordance with the Pennington County Zoning Ordinance.

Valley View Tract Revised, Lakota Lake Encampment Subdivision, Section 21, T2S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to vacate the existing Utility Easement on Valley View Tract Revised of Lakota Lake Encampment Subdivision.

Staff recommended approval of Vacation of Easement / VE 21-02 with the following one (1) condition:

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.

Discussion followed.

Moved by McGregor and seconded by Johnson to approve approval of Vacation of Easement / VE 21-02 with the following one (1) condition:

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.

All voting aye, the Motion carried 7 to 0.

12. MINOR PLAT / MPL 21-50: Timothy and Terra Duda; D.C. Scott Surveyors, Inc. – Agent. To reconfigure lot lines to create Lots 17R and 23R of Block D of MS 1916 of Edelweiss Mountain Development in accordance with Sections 400.3 of the Pennington Subdivision Regulations.

EXISTING LEGAL: Lots 17, 18, and 23, Block D of MS 1916 of Edelweiss Mountain Development, Sections 17 and 20, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 17R and Lot 23R, Block D of MS 1916 of Edelweiss Mountain Development Subdivision, Sections 17 and 20, T1N, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Plat / MPL 21-50 to reconfigure lot lines to create Lots 17R and 23R of Block D of MS 1916 of Edelweiss Mountain Development.

Staff recommended approval of Minor Plat / MPL 21-50 with the following conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, 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;
3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
5. 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.

Discussion followed.

Moved by Runde and seconded by McGregor to approve of Minor Plat / MPL 21-50 with the following five (5) conditions:

- 1. That prior to filing the mylar with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That prior to filing the mylar with the Register of Deeds, 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;**
- 3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
- 4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 5. 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.**

All voting aye, the Motion carried 7 to 0.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 9, 2021, Planning Commission meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

A. Medical Cannabis. Deputy State's Attorney, Megan Krueger, provided an update on the proposed medical cannabis ordinances. The proposed Ordinances are scheduled to be heard by the Planning Commission on September 13th and September 27th at 9 a.m. and on October 5th at 10:30 a.m. by the Board of Commissioners.

16. ITEMS FROM THE MEMBERSHIP

Commissioner LaCroix discussed residential uses, and Commissioner Johnson spoke of the Planning Commission supporting staff and the knowledge and information they provide to the public.

17. ADJOURNMENT

Moved by Coleman and seconded by McGregor to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:04 a.m.

Rich Marsh, Chairperson