

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 9, 2020 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Kathy Johnson, Travis Lasseter, Sandra Runde, Sonny Rivers, and Deb Hadcock.

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Cody Sack, Jason Theunissen, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE FEBRUARY 24, 2020, MINUTES
Moved by Johnson and seconded by Rivers to approve the Minutes of the February 24, 2020, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Lasseter to approve the Agenda of the March 9, 2020, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Lasseter and seconded by Rivers to approve the Consent Agenda of the March 9, 2020, Planning Commission meeting, with the removal of Item #7 and Item #7 to be heard after Item #10. Vote: unanimous 6 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 18-03:** Lisa Tutsch / Tracy Tabiaddon.
To review a shop building to be used as temporary living quarters while building 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.

SW1/4NE1/4NE1/4, Section 18, T2N, R11E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-03 with the applicants' concurrence.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 19-02:** Greg and Angelina Anderson. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 19-02 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 19-02, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review;
5. 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;
6. 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 kept on file at the Planning Department;
7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 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;
8. That an interior informational sign continues to be posted in accordance with the requirements of PCZO §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;

9. That the lot address continues to be posted on the residence at all times and so it is clearly visible from Croyle Court, in accordance with Pennington County's Ordinance #20;
10. 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;
11. That if the person designated as the Local Contact is ever changed from Jonna Kandolin, 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;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in 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 6 to 0.

5. **CONDITIONAL USE PERMIT / CU 19-01**: Terry Saylor. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 19-01 to the March 23, 2020, Planning Commission meeting with the following five (5) conditions:

1. That the applicant submits a copy of the SD 2020 Lodging License;
2. That applicant submits proof that a smoke detector has been installed in the upstairs bedroom;
3. That the applicant submits the post marked white slips from the certified letters;

4. That the \$300.00 of continuation fees are paid; and,
5. That failure to submit the items in Conditions #1-#4, on or before March 18, 2020, Conditional Use Permit / CU 19-01 be denied.

Vote: unanimous 6 to 0.

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

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

(Continued from the December 2, 2019, Planning Commission meeting.)

To continue Conditional Use Permit / CU 19-33 until no later than the May 11, 2020, Planning Commission meeting in order for Staff to receive all of the information to satisfy the requirements under Section 306 which includes, but is not limited to, a construction time schedule, SDDOT Approach Permit, onsite wastewater treatment system plan, and an approved Water Right Permit with one (1) condition.

1. That if additional continuations are required beyond May 11, 2020, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

8. **LAYOUT PLAN / LPL 20-03:** Chuck Voorhees. To create Lots A and B of Whispering Wind Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to subdivide and create Lots A and B of Whispering Wind Subdivision.

Staff recommended approval of Layout Plan / LPL 20-03 with ten (10) conditions.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Layout Plan / LPL 20-03 with the following ten (10) 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 at the time of Minor Plat submittal, 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 Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;**
- 4. That at the time of Minor Plat Submittal, the plat shows a 10-foot-wide utility easement for the powerline located on the property;**
- 5. That at the time of Minor Plat Submittal, the applicant either obtain an approach from the South Dakota Department of Transportation or the Plat show an access easement for proposed Lot B;**
- 6. That access for Lot A is taken from the existing approach for the subject property;**
- 7. That an approved Floodplain Development permit be obtained prior to any disturbance in the floodplain;**
- 8. That the applicant ensures all-natural drainage ways are maintained and are not blocked;**
- 9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,**
- 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT / CU 20-02: Sonquist, LLC; Rob Hammerquist. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

(Continued from the February 24, 2020, Planning Commission meeting.)

Lot H, Sonquist Acres Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 20-02 with seventeen (17) conditions.

Moved by Runde and seconded by Johnson to approve of Conditional Use Permit / CU 20-02 with the following seventeen (17) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
- 2. That any website listing(s) for the Vacation Home Rental correctly state that four (4) 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 (13049 Sonquist Lane) be posted on the residence at all times and is clearly visible from Sonquist Lane, 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 Section 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Rob Hammerquist, 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.

All voting, the Motion carried 5 to 1. Commissioner Hadcock voted no.

10. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01: Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied to amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Major Planned Unit Development Amendment / 20-02 with twenty-one (21) conditions.

Discussion followed.

Moved by Hadcock and seconded by Runde to continue to the March 23, 2020, Planning Commission meeting.

Discussion further followed.

Vote on the Original Motion: All voting aye, the Motion carried 6 to 0.

7. MINING PERMIT REVIEW / MP 19-03: Cody Schad. To review the removal of gypsum to be hauled off site.

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

The applicant asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Mining Permit / MP 19-03 with six (6) conditions.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of the extension of Mining Permit / MP 19-03 with the following six (6) conditions:

- 1. That the applicant follows the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;**
- 2. That any natural drainage ways and paths be continually maintained;**
- 3. That any excavation in the gas line or power line easements are approved by the appropriate utility company;**

4. **That the Conditions of Approval of Construction Permit / CP 19-18 are continually met;**
5. **That excavation and hauling of gypsum from the site terminate September 2020; and,**
6. **That this Mining Permit be reviewed in three (3) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

11. CONSTRUCTION PERMIT / CP 20-05: RCS Construction. To replace rip rap, soil, and rock to restored washed out banks and bridge abutments with the Hart Ranch Golf Course.

Hart Ranch Golf Course Parcel Less Village On The Green Subdivision, Less Village On The Green #2 Subdivision and Less Platted Private Drives located in Sections 11, 12 and 13, Hart Ranch Development Subdivision, Section 11, T1S, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-05 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with Section 507(A)(5)(c) of the Zoning Ordinance;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That if there is a change in the floodplain or the work within the floodplain, the applicant updates their Floodplain Development Permit;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly

maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;

5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 6. That all-natural drainage ways and paths be continually maintained;
 7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
 8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
 9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 10. That the disturbed areas be re-vegetated as required in Section 507(A)(5)(c) of the Zoning Ordinance;
 11. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 20-02; and,
 12. That this Construction Permit be reviewed in one (1) year, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
12. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the February 24, 2020, Planning Commission meeting.
13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.
14. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for February 2019.

15. ITEMS FROM THE MEMBERSHIP

Human Resources Director, Jon Morrill, spoke of the Planning Director position and noted Brittney Molitor, is the Interim Planning Director.

Chairman Rich Marsh will not be at the April 13th Planning Commission meeting.

Commissioner Lasseter may not be at the April 13th Planning Commission meeting.

16. ADJOURNMENT

Moved by Lasseter and seconded by Rivers to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:19 a.m.

Rich Marsh, Chairperson