

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 8, 2020 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE MAY 26, 2020, MINUTES

Moved by DiSanto and seconded by Lasseter to approve the Minutes of the May 26, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by Lasseter and seconded by Runde to approve the Agenda of the June 8, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the June 8, 2020, Planning Commission meeting, with the removal of Item #10. Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 17-34:** Sherri Wilkie. To review 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 A of Lot 10, Block 8, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-34 with the following seven (7) conditions:

1. That the applicant continues to utilize the existing approach off of Corbin Drive and no new approaches be constructed without prior approval from the County Highway Department;
2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or a variance obtained;
3. That the subject property remains free of debris and junk vehicles;
4. 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, and be provided with skirting from the bottom of the walls to the ground;
5. That the address continue to be clearly posted so that it is visible from both directions of Corbin Drive, and in accordance with Pennington County's Ordinance #20;
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 this Conditional Use Permit be reviewed in five (5) years 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 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-28:** Harry and Gail McKane. To review living in the existing residence while building a new 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.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-28 with the applicant's concurrence as it is no longer needed.

Vote: unanimous 7 to 0.

5. **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 510 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 ten (10) 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 continue to be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
- 4. 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;**
- 5. 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;**
- 6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 7. That the subject property remains free of debris and junk vehicles;**
- 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;**
- 9. 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,**
- 10. 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.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-15:** Samuel G. Fullerton III. To review 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 510 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 seven (7) conditions:

1. **That the addresses for both the proposed single-family residence and the proposed caretaker's residence 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 a Limited Agriculture District be continually maintained on the property or a setback Variance be obtained;**
4. **That the subject property remains free of debris and junk vehicles;**
5. **That once the caretaker's residence become habitable, the applicant verify care is needed;**
6. **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,**
7. **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 19-30:** Harry and Gail McKane. To review allowing the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 19-30 to the June 22, 2020 Planning Commission meeting.

Vote: unanimous 7 to 0.

- 8. CONDITIONAL USE PERMIT REVIEW / CU 19-32:** Jeff and Marcia Spilker. To review living in a garage with living quarters while building a single-family residence and once the single-family residence is habitable, to allow the garage with living quarters to remain and 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 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-32 with the following eight (8) conditions.

- 1. 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;**
- 2. That the Guest House shall not be used for more than 180 days per calendar year;**
- 3. 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 PCZO Section 318(B)(10);**
- 5. 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;**
- 6. 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;**
- 7. That both of the addresses assigned for the primary residence and the Guest House be clearly posted on each structure and at the driveway so that they are visible from both directions of U.S. Highway 385, in accordance with Pennington County's Ordinance #20;**
- 8. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on Section 318; 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 7 to 0.

9. **CONDITIONAL USE PERMIT / CU 20-09:** David and Janelle Goergen; Jess Island – Agent. To live in the existing double-wide mobile home while building a new single-family residence and then to allow the existing double-wide mobile home to remain and be converted into a garage with the living quarters removed, or the double-wide mobile home will be removed upon completion of the new single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 2-R, Block 1, Palmer Subdivision Addition, Section 14, T2N, R6E, BHM, Pennington County, South Dakota

To approve of Conditional Use Permit / CU 20-09 with the following eight (8) 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 the address is clearly posted on the residence and at the driveway in accordance with Pennington County’s Ordinance #20;**
3. **That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);**
4. **That a Building Permit application for the proposed single-family residence be applied for within six months of approval of Conditional Use Permit / CU 20-09;**
5. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
6. **That the double-wide mobile home be converted into a garage or removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
7. **That the subject property remains free of debris and junk vehicles; 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.**

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

10. ROAD NAMING: GJH Ranch, LLC. To name a 24-foot-wide access easement providing access to properties located in Section 18, T2N, R7E, BHM, and Section 13, T2N, R6E, BHM, Pennington County, South Dakota, to White Buffalo Road.

Commissioner Marsh asked to have this Item removed from the Consent Agenda discussion, and further stated that he would abstain from voting on this item.

Staff recommended approval of the Road Naming of White Buffalo Road.

Moved by DiSanto and seconded by Lasseter to approve of the Road Naming of White Buffalo Road.

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

11. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-03: LakOrr, LLC; Phillip Lakner. To amend an existing Planned Unit Development to allow a gunsmithing business as a home occupation on the subject property in accordance with Sections 204-C and 213 of the Pennington County Zoning Ordinance.

Tract 2, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Jason Theunissen reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to allow a gunsmithing business as a home occupation on the subject property,

Staff recommended approval of Minor Planned Unit Development Amendment / PU 20-03 with the following fourteen (14) conditions:

1. That the Conditions of Approval of the Rushmore Ranch Planned Unit Development / PU 02-05 be adhered to at all times;
2. That the proposed Home Occupation be located entirely within the existing 32' x 36' equipment building and that the residential character of the property continually be maintained;
3. That one (1) sign be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance;
4. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Federal, State and Local requirements;
5. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request during subsequent

Planned Unit Development Amendment reviews. This includes, but is not limited to, a Federal Firearms License;

6. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations and there be no break. If a break in compliance occurs, PU 20-03 will be placed on a Planning Commission Agenda for review;
7. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
8. That an address for the subject property continually be posted in accordance with Pennington County's Ordinance #20;
9. That the business shall be operated by members of the family residing at the residence to include no more than one (1) additional employee;
10. That there be a minimum of two (2) off-street parking spaces available at all times;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
12. That no business retail sales be allowed at the subject property;
13. That the property remain free of debris and junk vehicles; and,
14. That Minor Planned Unit Development Amendment / PU 20-03 be reviewed in one (1) year, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by DiSanto and seconded by Lasseter to approve of Minor Planned Unit Development Amendment / PU 20-03 with the following fourteen (14) conditions:

- 1. That the Conditions of Approval of the Rushmore Ranch Planned Unit Development / PU 02-05 be adhered to at all times;**
- 2. That the proposed Home Occupation be located entirely within the existing 32' x 36' equipment building and that the residential character of the property continually be maintained;**
- 3. That one (1) sign be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance;**

4. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Federal, State and Local requirements;
5. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request during subsequent Planned Unit Development Amendment reviews. This includes, but is not limited to, a Federal Firearms License;
6. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations and there be no break. If a break in compliance occurs, PU 20-03 will be placed on a Planning Commission Agenda for review;
7. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
8. That an address for the subject property continually be posted in accordance with Pennington County's Ordinance #20;
9. That the business shall be operated by members of the family residing at the residence to include no more than one (1) additional employee;
10. That there be a minimum of two (2) off-street parking spaces available at all times;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
12. That no business retail sales be allowed at the subject property;
13. That the property remain free of debris and junk vehicles; and,
14. That Minor Planned Unit Development Amendment / PU 20-03 be reviewed in one (1) year, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

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

12. ORDINANCE AMENDMENT / OA 20-02: Pennington County. To amend Section 506 “Building Permits” [to replace and supersede Section 506 “Building Permits”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to amend Section 506 “Building Permits” [to replace and supersede Section 506 “Building Permits”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-02.

Discussion followed.

Moved by Runde and seconded by Coleman to approve of Ordinance Amendment / OA 20-02.

Discussion further followed.

Commissioner Runde left the meeting at 10:07 a.m.

Commissioner Runde returned to the meeting at 10:09 a.m.

Vote on Motion to approve Ordinance Amendment / OA 20-20: Roll Call: Marsh – aye, Rivers – aye, Johnson – aye; and Runde - aye. Coleman – no, Lasseter – no, and DiSanto – no. Roll Call Vote: Motion carried 4 to 3.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the May 26, 2020, Planning Commission meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the May 2020 Building Report.

16. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

17. ADJOURNMENT

Moved by DiSanto and seconded by Rivers to adjourn.

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

The meeting adjourned at 10:32 a.m.

Rich Marsh, Chairperson