

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
September 14, 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, Deb Hadcock, and Jim Coleman (teleconference).

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

ROLL CALL

1. APPROVAL OF THE AUGUST 24, 2020, MINUTES
Moved by C. Johnson and seconded by Runde to approve the Minutes of the August 24, 2020, Planning Commission meeting with a change to Item #13, Condition #25, to include the language “surety/bond” in the condition. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Lasseter to approve the Agenda of the September 14, 2020, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the September 14, 2020, Planning Commission meeting. 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 15-20:** Mitch Morris. To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 15-20, per the applicant's request.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 20-03:** Scott and Janice Harris. To review a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 2-3 of Lot 5, Block 9, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-03 with the following eight (8) conditions:

1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;
2. That the proposed multi-family dwelling, garage, and single-family residence are connected and is shown on the Building Permit site plan;
3. That the addresses 5598 and 5600 Uranus Drive be clearly posted, so as to be visible from Uranus Drive, in accordance with Pennington County's Ordinance #20;
4. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
5. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
6. That the subject property remains free of debris and junk vehicles;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
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 6 to 0.

5. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-05:** Grant and Sandra Parsons (Plum Creek Homes). To review an existing Planned Unit Development to allow the proposed single-family residence to be used as a Bed and Breakfast on the subject property in accordance with Sections 213 of the Pennington County Zoning Ordinance.

Tract 43, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Minor Planned Unit Development Amendment / PU 18-05 with the following nine (9) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 17-08 be continually adhered to;

2. That the uses on Tract 43 of Rushmore Ranch Estates be limited to a single-family residence in accordance with PU 17-08 or a Bed and Breakfast;
3. 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;
4. That prior to operation, the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort (Bed and Breakfast) including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue and that copies of the valid permits be provided to the Planning Director upon receipt;
5. That prior to operation, a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
6. That prior to operation a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times, hung on the walls at the appropriate height (5'3" to the gauge) and the fire extinguisher shall be inspected and tagged annually;
7. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
8. That at all time, the applicants comply with South Dakota Codified Law 34-18; and,
9. That this Minor Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

6. CONDITIONAL USE PERMIT / CU 20-20: Larry and Dianne Mathews. To allow a multi-family dwelling in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Cedar Gulch Subdivision, Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

Jansen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a multi-family dwelling in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 20-20 with the following six (6) conditions:

1. That an address be assigned to the second living quarters and both addresses be clearly posted, so as to be visible from Cattle Drive, in accordance with Pennington County's Ordinance #20;
2. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
3. That the minimum setback requirements of a Low Density Residential District 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; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Hadcock and Runde to approve of Conditional Use Permit / CU 20-20 with the following six (6) conditions:

- 1. That an address be assigned to the second living quarters and both addresses be clearly posted, so as to be visible from Cattle Drive, in accordance with Pennington County's Ordinance #20;**
- 2. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 3. That the minimum setback requirements of a Low Density Residential District 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; and,**
6. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

Commissioner Coleman appeared by teleconference for the meeting.

7. LAYOUT PLAN / LPL 20-24: David Grover. To create Lots A through L of Mills Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B of HES #303 Less Tract Drew; Tract A of HES #303 Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew, and Less ROW; and GL Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew and Less ROW, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A through L of Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots A through L of Mills Ranch Subdivision.

Staff recommended approval of Layout Plan / LPL 20-24 with the following fifteen (15) conditions:

1. That the applicant obtains Approach Permits from the County Highway Department prior to installation of any approaches off of Old Hill City Road;
2. That legal access for Lots K and L will need to be platted (i.e. easement) and shown on the plat prior to Preliminary Plat submittal;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. That road names are provided to ESCC/9-1-1 for review prior to Preliminary Plat submittal;
5. That road names are approved by the Board of Commissioners prior to Final Plat submittal;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;

7. That at the time of Preliminary Plat submittal, the lots be named A-H and J-L of Mills Ranch Subdivision;
8. That at the time of Preliminary Plat submittal, a minimum of eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
9. That at the time of Preliminary 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;
10. 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;
11. That a Storm Water Permit application is submitted and approved prior to Preliminary Plat submittal for dirt work that has commenced on the subject properties;
12. That at the time of the Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
13. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations Variance(s) be obtained;
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 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 Hadcock and seconded by Lasseter to approve of Layout Plan / LPL 20-24 with the following fifteen (15) conditions:

- 1. That the applicant obtains Approach Permits from the County Highway Department prior to installation of any approaches off of Old Hill City Road;**
- 2. That legal access for Lots K and L will need to be platted (i.e. easement) and shown on the plat prior to Preliminary Plat submittal;**

3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. That road names are provided to ESCC/9-1-1 for review prior to Preliminary Plat submittal;
5. That road names are approved by the Board of Commissioners prior to Final Plat submittal;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
7. That at the time of Preliminary Plat submittal, the lots be named A-H and J-L of Mills Ranch Subdivision;
8. That at the time of Preliminary Plat submittal, a minimum of eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
9. That at the time of Preliminary 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;
10. 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;
11. That a Storm Water Permit application is submitted and approved prior to Preliminary Plat submittal for dirt work that has commenced on the subject properties;
12. That at the time of the Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
13. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations Variance(s) be obtained;
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 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, Hadcock – aye, Lasseter – aye, K. Johnson – no, C. Johnson – aye; and Runde - no. Roll Call Vote: carried 5 to 2.

8. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 24, 2020, Planning Commission meeting.

9. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

10. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for August 2020.

11. ITEMS FROM THE MEMBERSHIP

Commissioner C. Johnson spoke of opposition letters and e-mails received from members of the public on Agenda items and discussed if there is a process in place for staff to respond and provide direction to the person submitting the opposition letter.

12. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.

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

The meeting adjourned at 9:50 a.m.

Rich Marsh, Chairperson