

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 2, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, May 2, 2017, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Ron Buskerud, Mark DiSanto, George Ferebee and Lloyd LaCroix.

REVIEW AND APPROVE AGENDA

MOVED by DiSanto and seconded by Buskerud to approve the agenda as presented. The motion carried unanimously.

EXECUTIVE PROCLAMATIONS

1. Public Service Recognition Week: MOVED by DiSanto and seconded by LaCroix to approve the executive proclamation for May 7-13, 2017. The motion carried unanimously.
2. Pennington County Corrections Week: MOVED by Buskerud and seconded by LaCroix to approve the executive proclamation Pennington County Corrections Week May 7-13, 2017. The motion carried unanimously.

PENNINGTON COUNTY RESOLUTION – WILDFIRE AWARENESS MONTH:

MOVED by LaCroix and seconded by Buskerud to authorize the Chair's signature on the Resolution Supporting Wildfire Awareness Month May 2017. The motion carried unanimously.

**PENNINGTON COUNTY COMMISSION RESOLUTION
SUPPORTING WILDFIRE AWARENESS MONTH**

Whereas, the Commissioners of Pennington County are charged with protecting the health and safety of the citizens of Pennington County, including all property situated therein; and,

Whereas, wildfires threaten the environmental, economic, and social well-being of Pennington County residents while challenging firefighter's efforts to protect life and property; and,

Whereas, the Commissioners of Pennington County have determined that in the interest of public health and safety; and,

Whereas, wildfire suppression costs represent only a small portion of overall economic impacts and do not reflect the total cost of catastrophic fires; and,

Whereas, residents have the responsibility to recognize the high risk of wildfire and institute safe and early evacuation plans, increase their home and properties resistance to wildfire, and create fire adapted communities to increase the safety and survivability of the public and emergency personnel; and,

Whereas, Wildfire Awareness Month is an important opportunity for Pennington County residents to reduce the risk of wildfire, increase firefighter safety, and enhance public safety and understanding involvement in the fire ecosystem through education on fire safety, preparation, and prevention;

Now, Therefore be it Resolved that Pennington County supports the month of May 2017 as South Dakota Wildfire Awareness Month; and

Therefore be it Further Resolved that the theme for this year,

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“Be Ember Aware”

Is a call for the residents of Pennington County to educate themselves and to take action to reduce the wildfire threat to their homes, properties and help them move toward becoming a fire adapted community.

Duly passed and adopted at a regular meeting of the Pennington County Commission on the 2nd day of May 2017.

Dated this 2nd day of May, 2017

/s/Deb Hadcock Chair

Attest:

/s/Julie A. Pearson Auditor

CONSENT ITEMS

MOVED by LaCroix and seconded by Buskerud to approve the Consent Agenda as presented. The motion carried unanimously.

8. Approve the minutes of the regular meeting – April 18, 2017.
9. Acknowledge the notice of intent to conduct a raffle – The Performing Arts Center of Rapid City.
10. Approve of the Adopt-A-Highway Application for an approximate two (2) mile portion of Mystic Road by the Hargen’s Family.

End of Consent Items

LIEN RELEASE REQUEST – DLN

MOVED by LaCroix and seconded by DiSanto to waive all of the liens in the amount of \$10,426.29 for DN (Name withheld per SDCL 28-13-42). The motion carried 4-0 with Hadcock abstaining.

COUNTY CARES PRESENTATION – CRISIS CARE CENTER – BARRY TICE

REQUEST TO PURCHASE TAX DEED PROPERTY ID #6514 (THE EAST 20 FEET OF THE NORTH 140 FEET OF LOT 13 IN MARSHALL SUBDIVISION – GEORGE

SAILER: MOVED by Buskerud and seconded by LaCroix to approve the sale of tax deed property, ID #6514 to George Sailer in the amount of \$450. The motion carried unanimously.

ITEMS FROM AUDITOR

- A. 9:15 a.m. PUBLIC HEARING – BUDGET SUPPLEMENT SP17-006 – GENERAL FUND STATE’S ATTORNEY BUDGET: MOVED by Buskerud and seconded by LaCroix to approve a supplement to the 2017 General Fund State’s Attorney budget in the amount of \$225,000 from unassigned fund balance. The motion carried 4-1 with Ferebee voting no.
- B. 9:15 a.m. PUBLIC HEARING – BUDGET SUPPLEMENT SP17-007 – COUNTY FIRE FUND BUDGET: MOVED by LaCroix and seconded by Buskerud to approve a supplement to the 2017 County Fire Fund budget in the amount of \$35,000 from current year nonbudgeted Homeland Security revenues. The motion carried 4-1 with Ferebee voting no.

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- C. SPECIAL REQUEST FOR RETAIL ON-SALE MALT BEVERAGE AND WINE LICENSE – RAPID CITY CHAMBER OF COMMERCE: MOVED by Buskerud and seconded by LaCroix to grant a special event on-sale malt beverage and wine license to The Rapid City Chamber of Commerce for May 9, 2017 for the Fort Hayes Chuckwagon Supper and Show. The motion carried unanimously.
- D. SPECIAL REQUEST FOR RETAIL ON-SALE MALT BEVERAGE AND WINE LICENSE – PERFORMING ARTS CENTER OF RAPID CITY: MOVED by LaCroix and seconded by Buskerud to grant a special event on-sale malt beverage and wine license to Performing Arts Center of Rapid City for July 21, 2017 for the Summer of Love Event. The motion carried unanimously.

ITEMS FROM SHERIFF

- A. AUTHORIZATION FOR BID FOR UNDERWATER REMOTE OPERATED VEHICLE AND ELECTRONIC COMPONENTS: MOVED by Buskerud and seconded by LaCroix to authorize the Pennington County Sheriff's Office to advertise and bid for one new underwater remote operated vehicle and electronic components. The motion carried 4-1 with Ferebee voting no.

ITEMS FROM EMERGENCY MANAGEMENT:

- A. PUBLIC WARNING MESSAGES: No action taken.

ITEMS FROM EQUALIZATION:

- A. ABATEMENT APPLICATIONS: MOVED by LaCroix and seconded by Buskerud to approve the 2016 abatement application for Watkin Vanneman, Tax ID 64622 in the amount of \$3,879.50. The motion carried 4-1 with Ferebee voting no.
MOVED by LaCroix and seconded by Buskerud to approve the 2016 abatement application for Alvin Fransen Trust, Tax ID 28817 in the amount of \$207.34. The motion carried unanimously.
MOVED by Buskerud and seconded by LaCroix to approve the 2016 abatement application for Edgar Adamson, Tax ID 35119 in the amount of \$207.85. The motion carried unanimously.
- B. A RESOLUTION TO SUPPORT CLARIFICATION OF THE DEFINITION OF REAL PROPERTY FOR AD VALOREM TAXATION PURPOSES IN SDCL 10-4-2 BY THE SOUTH DAKOTA LEGISLATURE: MOVED by Buskerud and seconded LaCroix to continue this item until the next Commission meeting on May 16, 2017. The motion carried unanimously.

ITEMS FROM HIGHWAY DEPARTMENT

- A. AC 2017-1 ASPHALT CONCRETE OVERLAY PROJECT (SOUTH VALLEY DRIVE) AWARD RECOMMENDATION: MOVED by LaCroix and seconded by Buskerud to award AC2017-1 Asphalt Concrete Overlay Project (South Valley Drive) to Western Construction, Inc., at the estimated amount of \$98,186.30.

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Substitute motion MOVED by Ferebee and seconded by DiSanto to delay any work until the city decides what they are going to do with annexation. The motion failed 2-3 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, LaCroix – no, Hadcock – no.

The original motion carried 3-2 with DiSanto and Ferebee voting no.

- B. INFORMATION ON BRIDGES NEAR THE INTERSECTION OF DYESS AVENUE AND COUNTRY ROAD: No action taken.

MOVED by DiSanto and seconded by LaCroix for a five minute recess. The motion carried unanimously.

The Board reconvened at 10:55 a.m.

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by DiSanto and seconded by LaCroix to convene as the Board of Adjustment. The motion carried unanimously.

- A. VARIANCE / VA 17-08: Ronald and Debra Smith. To reduce the minimum required Section Line setback on the south property line from 25 feet to a zero (0) foot setback and to also reduce the minimum required side yard setback on the east property line from 25 feet to 10 feet in a General Agriculture District in accordance with Sections 204, 205, and 509 of the Pennington County Zoning Ordinance.

PT SE1/4SE1/4 less PT Tract A; Section 12, T2N, R4E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Ferebee to approve Variance / VA 17-08, with two (2) conditions. The motion carried unanimously.

1. That this Variance only applies to the location of the proposed shed, and not the entire length of either property line and the shed remains outside the Section Line; and,
2. That the applicant signs the Statement of Understanding, which is available in the Planning Office, within ten (10) business days of approval of Variance / VA 17-08.

MOVED by LaCroix and seconded by DiSanto to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried unanimously.

PLANNING & ZONING CONSENT ITEMS

The following item(s) have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

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MOVED by Buskerud and seconded by LaCroix to approve the Planning and Zoning consent agenda with the removal of item C. The motion carried unanimously.

- B. SECOND READING OF REZONE / RZ 17-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-04: Curt Tuhy; Fisk Land Surveying – Agent. To rezone 5.77 acres from Low Density Residential District and Limited Agriculture District to Low Density Residential District and to rezone 10.06 acres from Limited Agriculture District and Low Density Residential District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use to Low Density Residential District and Limited Agriculture District located on Lot 2R and Lot 3 of Strato Rim Estates II, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Approve the Second Reading of Rezone / RZ 17-04 and Comprehensive Plan Amendment / CA 17-04.

ORDINANCE NO. RZ 17-04 & CA 17-04

AN ORDINANCE AMENDING SECTION 508 OF THE PENNINGTON COUNTY ZONING ORDINANCE, REZONING THE WITHIN DESCRIBED PROPERTY AND AMENDING THE COMPREHENSIVE PLAN:

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY COMMISSION THAT THE PENNINGTON COUNTY ZONING ORDINANCE AND COMPREHENSIVE PLAN BE AND HEREBY ARE AMENDED BY AMENDING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY:

Lot 2R of Strato Rim Estates II, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from Low Density Residential District and Limited Agriculture District to Low Density Residential District and the Comprehensive Plan is amended to change the Future Land Use from Low Density Residential District and Limited Agriculture District to Low Density Residential District.

Lot 3 of Strato Rim Estates II, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from Limited Agriculture District and Low Density Residential District to Limited Agriculture District and the Comprehensive Plan is amended to change the Future Land Use from Limited Agriculture District and Low Density Residential District to Limited Agriculture District.

Dated this 2nd day of May, 2017

/s/Deb Hadcock Chair

Attest:

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/s/Julie A. Pearson Auditor

C. Removed for separate consideration.

D. PLANNED UNIT DEVELOPMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto. To review the existing Planned Unit Development to allow for a Specialty Resort Development to include uses such as vacation home rentals, weddings, receptions, picnics, family reunions, satellite church for 100-150 people, church functions, parties, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Approve the extension of Planned Unit Development / PUD 16-03, with the following forty-three (43) conditions:

1. That the applicants sign a Statement of Understanding (SOU) within ten (10) days of the approval of the extension of PU 16-03. The SOU is available at the Planning Department;

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2. 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;
3. That the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] ensure the residential character of the property is maintained;
4. That daily and event operations of the specialty resort be conducted by owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the business sign (the one proposed, by the applicant, for placement on the brick wall by the applicant) which directs attention to the Inn shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign square feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
7. That prior to the placement of any on and off-premise signs, the applicant must obtain approval of a Sign Permit. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer prior to the issuance of a Sign Permit issued by the Planning Director;
8. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10-11-12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;
9. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20. This is to be completed prior to July 1, 2017;
10. That the applicant maintain an 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;
11. That a minimum of 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45;

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12. That the driveway in front of the Inn and up past the over-flow parking lot, have a 24-foot-wide driving surface and four (4) inches of gravel; the other two-way roads, within the PUD, have 16- to 18-foot-wide driving surfaces, with four (4) inches of gravel; and all one-way roads, have a 12-foot-wide driving surface, with four (4) inches of gravel. The responsible Street Authority shall meet or exceed roadway requirements, per State and County regulations;
13. That all music being provided for outdoor activities be in compliance with the County Noise Ordinance;
14. That the applicants apply for a Temporary Building Permit (TBP), for the event tent. Said TBP will be valid for a period not to exceed twelve (12) continuous months after approval. In addition, said TBP will be reviewed for possible permanent permitting during the February 2018 review;
15. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
16. That the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort 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;
17. That 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;
18. That 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 and the fire extinguisher shall be inspected and tagged annually;
19. 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;
20. That the applicants comply with South Dakota Codified Law 34-18;
21. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental(s);
22. That temporary port-a-potties only be placed on subject properties when needed, not to exceed ten (10) continuous months in any calendar year and that port-a-potties may be utilized by the guests of the events for wastewater disposal at a ratio of one port-a-potty per 50 guests. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
23. That 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 impacts on adjacent land, as

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- determined by the Planning Director, shall require an amendment to this Planned Unit Development / PU 16-03;
24. That measures be taken by the Road District, along Summer Creek Road and parking spaces, prohibiting people from backing directly into the Right-of-Way of Summer Creek Drive;
 25. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;
 26. That written approval from the Developer be obtained prior to issuance of permits;
 27. That Lots 3, 4, 10, 11 and 12 of the specialty resort be a bed and breakfast (specialty resort) with up to 10 guest rooms, and events such as: weddings, receptions, corporate events, family reunions, bridal and baby showers, Christmas parties and other types of gatherings similar in nature, up to a maximum of 150 daily guests. The specialty resort would also be allowed to have: Beer and Wine sales (with proper permits), a bistro/Restaurant, gift shop, spa cabana/gazebo, storage shed, permanent tent, kitchen, bathrooms and to also be used for a vacation home rental and private single-family residence;
 28. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow of the following with approved permits: single-family dwelling, Vacation Home Rental; bed and breakfast, or specialty resort;
 29. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, for use by friends and family of the PUD or for one (1) of the following with approved permits: single-family dwelling, vacation home rental, bed and breakfast, and specialty resort. The existing on-site wastewater treatment systems must comply with Section 204-J and obtain an Operating Permit prior to County Board approval;
 30. That Lots 19 and 22 each allow for one (1) of the following with approved permits: single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
 31. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, bed and breakfast, specialty resort, and easement (with property permits) for future underground holding tanks for designed and engineered water system;
 32. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
 33. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: specialty resort, bed and breakfast, single-family dwelling, and Vacation Home Rental;

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34. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, specialty resort, bed and breakfast, single-family dwelling and Vacation Home Rental;
35. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
36. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
37. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
38. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
39. That Lot 29 have a fifteen (15) foot front, rear and side yard setbacks;
40. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
41. That proposed Guest Houses, on specified lots, must comply with Section 318 of the Pennington County Zoning Ordinance;
42. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval; and,
43. That this Planned Unit Development be reviewed on February 26, 2018, or upon complaint of violation of applicable provisions of the Zoning Ordinance, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

Removed For Separate Consideration:

C. PLANNED UNIT DEVELOPMENT REVIEW / PU 09-02: Salvation Army. To review the Salvation Army Camp Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Buskerud to continue this item. The motion carried unanimously.

1. That the minimum setbacks from property lines continue to be twenty-five (25) feet from all property lines and fifty-eight (58) feet from Section Lines;
2. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this

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- property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
3. That a minimum of one 36-unit first aid kit be continually provided and accessible to the public at all times;
 4. That the internal driveway continue to be a minimum of a 24-foot-wide driving surface and maintained in a dust free manner;
 5. That the uses for this Planned Unit Development shall continually be limited to the existing uses already on the property, which include a bunkhouse with a capacity of 15 people, a picnic shelter, two (2) restrooms (male and female) with showers and toilets, a church shelter, a fire pit with seating, an officer's residence, two (2) wells and drainfields, and the expansion to include a pastor's prayer retreat cabin, a meeting/dining/safety hall, six (6) deck platforms, five (5) cabins, and five (5) RV sites;
 6. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, an approved Floodplain Development Permit be obtained;
 7. 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;
 8. That the any new On-Site Wastewater Treatment System be designed by an engineer and that all the supporting percolation tests and soil profile information be stamped by the engineer and obtain approval from the South Dakota Department of Environment and Natural Resources;
 9. That the applicant ensures the rustic character of the property is continually maintained;
 10. That no open fire shall be permitted, unless approved by the State Wild Land Fire Suppression or Johnson Siding Fire Chief;
 11. That barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property. The Fire Chief shall approve the facilities before the use is permitted;
 12. That any parking areas be maintained in a dust free manner;
 13. That each sleeping room have a smoke/heat detector;
 14. That a portable fire extinguisher with a minimum 2 A-BC rating shall continually be placed in each structure and shall be inspected and tagged annually;
 15. That each floor, where occupants are sleeping, shall continually have two (2) means of escape;
 16. That the applicant continually works with the Pennington County Fire Administrator in regards to evacuation, mitigation; building construction, water supplies, safety drills, emergency alerting systems and other safety issues;

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17. That the camp continually be limited to a maximum of one hundred (100) overnight total campers at one time;
18. That the new cabins be limited to one (1) story;
19. That all structures continue to be forty-five (45) feet from the west ridgeline; and,
20. That this Planned Unit Development be reviewed in five (5) 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.

PLANNING & ZONING REGULAR AGENDA

- E. SECOND READING OF PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-01: Karen Moore. To amend the existing Planned Unit Developments to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

Parcel A, B, and C, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve of Planned Unit Development Amendment / PU 17-01 with the following forty-three (43) conditions. The motion carried 4-1 with Ferebee voting no.

1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;
2. That the number of guests be limited to 25 people;
3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
4. That prior to operation of the Specialty / Recreational Resort, the applicant submits a Parking Plan to the Planning Department for review to ensure its compliance with the Minimum Off-Street Parking requirements as outlined in Section 310 of the Pennington County Zoning Ordinance;
5. That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;
6. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort 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;
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;

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8. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the existing means of wastewater disposal servicing the residence prior to operation of the Bed and Breakfast;
10. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
11. That Parcel B include a new request for five (5) RV sites;
12. That a minimum 10 foot separation be maintained at all times between each RV site;
13. That each RV site has a lot number clearly posted;
14. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
16. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
17. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1) bathhouse and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;
18. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
19. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
20. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each

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- parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
21. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
 22. That, for Parcel C, the private well located on the property serve as the water source to the property;
 23. 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;
 24. 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 Planned Unit Development;
 25. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
 26. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
 27. That no future drainfield be located within the areas designated as floodway;
 28. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
 29. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;
 30. That the address assigned to each property be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
 31. That the physical address for the residence be posted in each guest room utilized for the Guest House / Bed and Breakfast;
 32. That a guest list is maintained and smoke detectors placed in each sleeping room;
 33. That 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;
 34. That 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

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guests at all times and the fire extinguisher shall be inspected and tagged annually;

35. Quiet hours shall be from 10 p.m. until 7 a.m.;
36. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace or the burning of any flammable material. All authorized open fires shall be extinguished by 10 p.m.;
37. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;
38. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
39. That the subject property remains free of debris and junk vehicles;
40. That all single-family residences must meet the standards for stick-built as outlined in Section 204;
41. That a Building Permit is obtained for the 14' x 30' (approximate) shed;
42. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-01, which is available at the Planning Office; and,
43. That this Planned Unit Development 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.

APPROVAL OF VOUCHERS: MOVED by Buskerud and seconded by LaCroix to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$245,575.98. The motion carried 4-1 with Ferebee voting no.

AT&T Mobility, \$228.60; BH Power Inc, \$289.99; BH Power Inc, \$250.45; BH Power Inc, \$1,335.10; Century Link, \$7,070.85; Century Link, \$250.09; City Of Hill City, \$19.22; City Of Rapid City -Water, \$471.20; City Of Rapid City -Water, \$17,975.80; Executive Mgmt Fin Office, \$27.00; Midcontinent Communications, \$923.71; Midcontinent Communications, \$3,649.07; Montana Dakota Utilities, \$497.77; Montana Dakota Utilities, \$6,988.02; Pioneer Bank & Trust, \$16,499.49; Pioneer Bank & Trust, \$2,382.39; Rainbow Gas Company, \$4,281.87; Reliance Telephone Inc, \$8.80; Vast Broadband, \$1,499.25; Vast Broadband, \$431.85; Verizon Wireless, \$801.76; Verizon Wireless, \$5,130.64; Wellmark, \$82,410.07; Wellmark, \$89,984.19; West River Electric, \$259.89; West River Electric, \$1,908.91; \$245,575.98;

ITEMS FROM THE PUBLIC

PENNINGTON COUNTY BOARD OF COMMISSIONERS
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EXECUTIVE SESSION

AUDITOR'S ACCOUNT OF THE TREASURER: To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of April 19, 2017: Total balances of checking/savings accounts, \$16,558,185.31; Total balance of Treasurer's Office safe cash, \$12,900.00; Total certificates of deposit, \$3,545,572.45; Total Prime Value Investment, \$27,196,450.48; Total petty cash, \$15,205.00; Total long/short, (\$332.98); Total, \$47,327,980.26. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, \$15,356.04; Elections, \$14,692.62; Auditor, \$29,600.40; Treasurer, \$62,456.19; MacArthur Grant, \$7,914.58; State's Attorney, \$228,777.81; Public Defender, \$140,949.51; Buildings & Grounds, \$128,951.15; Equalization, \$81,705.44; Register of Deeds, \$27,648.44; IT, \$49,941.05; Human Resources, \$9,828.41; Sheriff, \$522,043.14; HIDTA Grant, \$9,284.51; Jail, \$624,003.52; JSC, \$209,928.15; JSC Juvenile Alternative, \$9,412.25; CCADP, \$71,157.45; Life Enrichment Center, \$108,215.63; Economic Assistance, \$58,943.91; Extension, \$2,523.33; Weed & Pest, \$9,656.02; Mountain Pine Beetle, \$8,092.80; Planning and Zoning, \$25,969.72; Water Protection, \$4,889.64; Road & Bridge, \$176,290.14; Fire Administration, \$6,754.25; Dispatch, \$176,284.36; Emergency Management, \$9,067.16; 24-7 Program, \$25,355.07.

PERSONNEL

BUILDINGS & GROUNDS: Effective 05/01/2017 – Dawn Danley at \$14.40/hr. Effective 5/21/2017 – Gabe Burgoyne at \$15.88/hr., Tyler Horan at \$21.28/hr. and Shane Good at \$15.13/hr.

ESCC: Effective 05/01/2017 – Candice Wells at \$17.50/hr. Effective 05/08/2017 – Angela Olsen at \$16.68/hr.

EQUALIZATION: Effective 01/01/2017 – Christopher Mooney at \$19.30/hr.

HIGHWAY: Effective 05/01/2017 – Beau Fraser at \$4,485.00/mth.

PUBLIC DEFENDER: Effective 05/08/2017 – Megan Krueger and Sam Wilkens at \$13.07/hr. Effective 05/15/2017 - Alexa Moeller at \$13.07/hr. Effective 05/22/2017 – Austin Printz at \$13.07/hr.

ADJOURN

MOVED by Buskerud and seconded by DiSanto to adjourn the meeting. The motion carried unanimously. There being no further business, the meeting adjourned at 11:30 a.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: May 17, 2017