

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 13, 2014 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Jim Coleman, Bill McCollam, Barbara Landers, Lori Litzen, and Ron Buskerud.

STAFF PRESENT: PJ Conover, Kelsey Rausch, Brittney Molitor, Rex Fackrell, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 22, 2014, MINUTES
Moved by McCollam and seconded by Hall to approve the minutes of the September 22, 2014, Planning Commission Meeting. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by Landers and seconded by McCollam to approve the Agenda of the October 13, 2014, Planning Commission Meeting, including the Consent Calendar, with the removal of Item #4, and to also discuss Items #14 through #18 as and vote separately on each item. Vote: unanimous (7 to 0).

CONSENT CALENDAR

The following items have been placed on the Consent Calendar 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 Calendar, 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 12-29:** Albert and Rita Chapman. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lots 9-12, Block 3, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-29 with the following six (6) conditions:

1. **That the Vacation Home Rental be limited to one (1) bedroom and that the maximum occupancy of the Vacation Home Rental be determined by the SD DENR;**

2. That the applicant complies with the requirements of Section 319 of the Zoning Ordinance at all times, including the Performance Standards and the requirement to post an Interior Informational Sign;
3. That a minimum of one (1) off-street parking space be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner. The parking area shall be designated on-site;
4. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
5. 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; and,
6. That this Conditional Use Permit be reviewed in two (2) years, as deemed necessary by the Planning Commission or County Board of Commissioners, or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT / CU 14-26:** Patricia Tschetter. To allow for a caretaker's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance of the Pennington County Zoning Ordinance.

The W1/2E1/2NW1/4NE1/4, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 14-26 with the following seven (7) conditions:

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted in accordance with Ordinance #20 on each residence and so that they are visible from Country Road;
2. That the applicant obtains an approved On-Site Wastewater System Construction Permit to be reviewed and approved by the Environmental Planner prior to approval of a Building Permit for the caretaker's residence;
3. That a reserve drainfield area be dedicated on the site plan for the Building Permit for the caretaker's residence;

4. That the caretaker's residence be removed from the property once care is no longer needed for Mrs. Patricia Tschetter;
5. That prior to issuance of a Building Permit for the caretaker's residence, staff will ensure all structures located on the property are in conformance with the Building Permit history and Department of Equalization's records for the property;
6. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
7. That this Conditional Use Permit be reviewed in two (2) years, as deemed necessary by the Planning Commission or County Board of Commissioners, or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

6. **CONSTRUCTION PERMIT / CP 14-05:** Flack Trucking, Inc. To continue stockpiling soil, leveling the plowed fields, and removing soil from the property in a General Agriculture District in accordance with Section 507 of the Pennington County Zoning Ordinance.

Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Construction Permit / CP 14-05 with the following eleven (11) conditions:

1. That the applicant understands that approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. That a Haul Road Agreement from the County Highway Department be obtained if necessary;
3. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;

5. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;
6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
7. That the applicant uses the south approach off of Bennett Road to the site;
8. That any natural drainage ways and paths be continually maintained;
9. That any monuments establishing property boundaries be replaced as necessary;
10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and,
11. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission.

Vote: unanimous (7 to 0).

7. **MINOR PLAT / PL 14-25 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-11:** Victor and Sherryl Alexander. To create Alexander Tract 2 Less Dedicated Right-of-Way and to waive platting requirements in accordance with Sections 400.3 and 700.1 the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (also in Section 27), Alexander Tract and New Eldorado Lode MS 2014 in Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Alexander Tract Less Dedicated Right-of-Way, Sections 27 and 28, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 14-11 to waive submittal of topographic information at five (5) foot contour intervals for the proposed lots and to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; and approval of Minor Plat / PL 14-25 with the following three (3) conditions:

1. That a certificate block be included on the plat for the Contract for Deed holders of the subject property (Wayne C. Moerke and Darlene M. Moerke) unless the Contract for Deed is complete and Alexanders obtain full ownership of the property prior to recording the plat at the Register of Deeds;

2. That an Operating Permit be obtained for the existing on-site wastewater treatment system located on proposed Alexander Tract 2 Less Dedicated ROW prior to recording the plat at the Register of Deeds; and
3. That the address for the existing residence should be posted so that it can be seen from both directions of Palmer Gulch Road in accordance with Ordinance #20.

Vote: unanimous (7 to 0).

8. **MINOR PLAT / PL 14-26 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-12:** Donna Alexander. To create Palmer Creek Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 the Pennington County Subdivision Regulations.

EXISTING LEGAL: Seven Oaks Lode MS 1578, Prosperity Lode MS 158, and Leopard Lode MS 1578 in Section 7; and Friday Lode MS 1578, Tuesday Lode MS 934 and Gold Bear Lode MS 934, in Section 18, all located in T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Palmer Creek Tract, Sections 7 and 18, T2S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 14-12 to waive submittal of topographic information at five (5) foot contour intervals for the proposed lots and to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; and approval of Minor Plat #14-26 with the following three (3) conditions:

1. That if the United States Forest Service (USFS) does not allow continued access across the small portion of NFSI Lands, that an alternate approach be created and approved by the County Highway and/or USFS;
2. That an Operating Permit be obtained for the existing on-site wastewater treatment system located on proposed Palmer Creek Tract prior to recording the plat at the Register of Deeds; and
3. That the address for the existing residence should be posted so that it can be seen from both directions of Palmer Creek Road in accordance with Ordinance #20.

Vote: unanimous (7 to 0).

9. **CONDITIONAL USE PERMIT / CU 14-27:** Wayne and Phyllis Krell. To allow for a single-wide manufactured home to be used as a permanent residence in a Suburban

Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6A of Lot 6 in Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 14-27 with the following seven (7) conditions:

- 1 That a Building Permit be obtained for the new single-wide mobile home before it is moved onto the property.**
- 2. That the lot address be clearly posted, so as to be visible from both directions on Gemini Street in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property remains free of debris and junk vehicles;**
- 4 That the mobile home installed on the property have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;**
- 5. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 6. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.**

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

- 4. MINOR PLAT / PL 14-27 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-13: Jeff DeVeney. To reconfigure lot lines to create Lot H and Lot J of Murray Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.**

EXISTING LEGAL: Lot A Revised and Lot 2 of Lot D located in Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot H and Lot J of Murray Subdivision in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Commissioner Hall asked to have this item removed from the Consent Calendar to discuss the Water Protection Coordinator's comments...

Rausch explained that the drainfield for the restaurant is located on proposed Lot J and the applicant is aware that it may be required to be relocated outside the designated floodplain boundaries, if the system malfunctions, fails, or needs to be upgraded in the future.

Commissioner Hall asked if the applicant is aware that he may also be required to use holding tanks.

Rausch stated yes, the applicant is aware of this.

Moved by Hall and seconded by Litzen to approve of approval of Subdivision Regulations Variance / SV 14-13 to waive submittal of the required road improvements for Penalua Gulch Road to Local/Collector Road Standards for a Highway Service District, including a 32-foot-wide paved driving surface and to waive submittal of engineered road construction plans for all required road improvements; and approval of Minor Plat / PL 14-27 with two (2) conditions.

- 1. That all future buildings meet the requirements of the Floodplain Development Permit; and,**
- 2. That the existing drainfield on Lot J be abandoned and relocated if failure or major repairs requiring an Onsite Wastewater Treatment System Construction Permit occur.**

All voting aye, the Motion carried 7 to 0.

11. CONDITIONAL USE PERMIT / CU 14-28: Don Behrens. To allow for a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow the existing residence on the subject property to be used as a Vacation Home Rental (VHR). He further stated the covenants do not prohibit the use of vacation home rentals in the subdivision.

Staff recommended approval of Conditional Use Permit 14-28 with the following nine (9) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;
2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08 which regulates Vacation Home Rentals;
5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as atv's and horses;
8. That an interior informational sign be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR; and,
9. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

Discussion followed.

Moved by Landers and seconded by Coleman to approve Conditional Use Permit 14-28 with the following nine (9) conditions:

- 1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;**
- 2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;**

3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08 which regulates Vacation Home Rentals;
5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as atvs and horses;
8. That an interior informational sign be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR; and,
9. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

Commissioner Buskerud said he would not vote in favor of the Motion, but noted there is a commercial operation next door to the subject property and they are being allowed to operate a business.

Commissioner Coleman commented that he is favor of the Motion to approve.

All voting, the Motion carried 6 to 1. Commissioner Buskerud voted no.

Commissioner Buskerud left the meeting at 9:51 a.m.

10. LAYOUT PLAT / PL 14-24: Gordon and Carmen Abernathie. To create Lots C1 and C2 of W-M Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot C of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot C1 and Lot C2 of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

Molitor reviewed the Staff Report indicating the applicants have submitted a Layout Plat request to create Lots C1 and C2 of W-M Subdivision. The applicant is proposing to subdivide the 3.5 acres into two (2) residential lots. The two proposed lots will measure 1.0 acre and 2.5 acres and will be serviced by a shared well and individual on-site wastewater treatment systems.

Staff recommended approval of Layout Plat/ PL 14-24 with the following nine (9) conditions:

1. That the proposed lots be rezoned to Suburban Residential District or a Lot Size Variance obtained prior to recording of the plat at the Register of Deed's Office;
2. That at the time of Preliminary Plat submittal, an 80' right-of-way shall be designated on the plat for Nemo Road;
3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Lot C2 to be reviewed and approved by the Environmental Planner;
4. That an eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, the shared approach shall be identified on the plat;
7. That at the time of Preliminary Plat submittal, an easement is created for the shared well on Lot C1 and identified on the plat;
8. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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

Moved by Hall and seconded by Litzen to approve of Layout Plat/ PL 14-24 with the following nine (9) conditions:

1. That the proposed lots be rezoned to Suburban Residential District or a Lot Size Variance obtained prior to recording of the plat at the Register of Deed's Office;
2. That at the time of Preliminary Plat submittal, an 80' right-of-way shall be designated on the plat for Nemo Road;
3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Lot C2 to be reviewed and approved by the Environmental Planner;
4. That an eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, the shared approach shall be identified on the plat;
7. That at the time of Preliminary Plat submittal, an easement is created for the shared well on Lot C1 and identified on the plat;
8. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
9. 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 7 to 0.

12. PLANNED UNIT DEVELOPMENT REVIEW / PUD 02-04: Deerfield Park Condominiums. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report providing a brief history of the property. He further stated that Deerfield Park Resort had the designation of Planned Unit Development from December 1980 to June 1984. In 1984, the Planned Unit Development was revoked by the County Board. In November 1988, the County Board approved a Planned Unit Development zoning designation for Tract A of Deerfield Park Parcel #2. In 1994 the South Dakota Supreme Court overturned Pennington County's Zoning Ordinance. The Official Zoning Maps were readopted by County Board; however, the condominium units were not identified on the Official Zoning Map as a Planned Unit Development. The applicant rezoned the existing condominium units from General Agriculture District to a Planned Unit Development.

On October 15, 2002, the Board of Commissioners approved Planned Unit Development 02-04 with the following fourteen (14) conditions:

1. That the specific uses of this Planned Unit Development be for single family residences not to exceed ten (10) units located in not more than five (5) structures of which only units # 5, 7 and 9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development be kept clean of all trash, debris and junk;
3. Each residential condominium unit (1-4, 6, 8 and 10) shall have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That only condominium units #5, #7 and #9 may be used for night/weekly rental or normal residential use;
5. Condominium units #5, #7 and #9 shall have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units shall be two people per bedroom and two people for each living room or family room;
7. That smoke detectors be installed in sleeping rooms and common hallways and tested semi-annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated.

8. That 2 A-BC dry chemical fire extinguishers be accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
9. That prior to County Board approval, the “Residence and Business Automatic Detail Information Form” be submitted to the Planning Department as requested by the Pennington County Fire Coordinator;
10. That prior to operation, the night/weekly rental units be registered with the South Dakota Department of Health as a specialty resort;
11. That the applicant obtains a Sales Tax License as required by the South Dakota Department of Revenue;
12. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
13. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
14. That this Planned Unit Development be reviewed on a complaint basis only.

Conover further explained that, on August 29, 2014, the Planning Department received a written complaint regarding the subject property from Marli A. Schippers, from Nooney Solay & Van Norman, LLP, who represent the Deerfield Park Homeowner’s Association. The complaint states that they believe the Deerfield Park Condominium Council of Co-Owners is currently in violation of and has on prior occasions violated the Conditions of Approval of Planned Unit Development #02-04. Specifically, the complaint is in regards to Condition #4, stating that only units #5, #7, and #9 may be used for night/weekly rental or normal residential use.

Staff is seeking direction from the Planning Commission in handling the complaint received regarding Planned Unit Development 02-04.

Discussion followed.

Move by McCollam and seconded by Hall to continue the review of Planned Unit Development 02-04 to the December 8, 2014, Planning Commission meeting in order for all parties to be contacted.

All voting aye, the Motion carried 7 to 0.

13. CONDITIONAL USE PERMIT / CU 14-29: Isaac Malsom. To allow for the use of a existing private air strip to be used for the applicant’s personal aircraft in a General

Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4 less ROW, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff report indicating the applicant has applied for a Conditional Use Permit to allow for the use of an existing private air strip to be used for the applicant's personal aircraft in a General Agriculture District. Conover further provided a brief history of the subject property, stating that Dennis Kauer had previously obtained approved of a Conditional Use Permit to also operate an airplane from the subject property and the Conditional Use Permit was revoked upon the sale of the property. Mr. Malsom purchased the property and is now also applying for a Conditional Use Permit.

Staff recommended to continue this item to the November 10, 2014, Planning Commission Meeting in order for staff and the applicant to receive comments from Ellsworth Air Force Base and the Ellsworth Development Authority.

If Planning Commission recommends approval of Conditional Use Permit 14-29, include the following seven (7) Conditions of Approval:

1. That a sign be conspicuously posted along Highway 1416 indicating low flying aircraft;
2. That the air strip be used for personal/private use only;
3. That the applicant adheres to FAA rules and regulations at all times;
4. That the hours of operation for the airstrip be from dawn to dusk;
5. That the Conditional Use Permit is revoked upon the sale or transfer of the property;
6. That the airstrip remains a grass runway; and,
7. That this Conditional Use Permit be reviewed in one (1) year or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission and/or on a complaint basis.

Discussion followed.

Moved by Coleman and seconded by McCollam to approve of Conditional Use Permit 14-29 with the following seven (7) conditions:

- 1. That a sign be conspicuously posted along Highway 1416 indicating low flying aircraft;**

2. **That the air strip be used for personal/private use only;**
3. **That the applicant adheres to FAA rules and regulations at all times;**
4. **That the hours of operation for the airstrip be from dawn to dusk;**
5. **That the Conditional Use Permit is revoked upon the sale or transfer of the property;**
6. **That the airstrip remains a grass runway; and,**
7. **That this Conditional Use Permit be reviewed in one (1) year or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission and/or on a complaint basis.**

All voting aye, the Motion carried 7 to 0.

Planning Commission recessed at 10:44 a.m.

Planning Commission reconvened at 10:51 a.m.

14. MINOR PLAT / PL 14-21 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-08: Harney Mountain, LLC / Jim Scull. To create Lots 1, 2, and 3 of Harney Mountain Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Government Lot 13 in Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Harney Mountain Subdivision in Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating has applied for a Minor Plat to create Lots 1, 2, and 3 of Harney Mountain Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance 14-08 to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; Road improvements to all Section Line right-of-way; submittal of percolation test results and soil profile information for the proposed; and topographical information at five (5) foot contour intervals; and approval of Minor Plat 14-21 with the following eight (8) conditions:

1. The prior to filing the plat with the Register of Deeds, the Certificate of Planning Director be removed or crossed off;

2. That the applicant applies for and receive approval for an Approach Permit, off of Pink Cabin Road, prior to performing over 10,000 square feet of dirt-work;
3. That the road be improved to Limited Agriculture District Local/Collector Road Standards, including a 24-foot-wide, four (4) inch gravel driving surface, prior to filing the plat at the Register of Deeds or a surety or bond be posted for these improvements, or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. At the time a Building Permit is applied for, for Lots 1 thru 3 of Harney Mountain Subdivision, an address will be assigned and said lot addresses will be off of Pink Cabin Road. When new addresses are issued, they should be posted so it is clearly visible at all times in accordance with Pennington County's Ordinance #20;
5. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
6. That prior to a Building Permit being issued on the subject property, the owner and/or applicant meet with the Pennington County Fire Coordinator to agree upon a Fire Mitigation Plan;
7. The prior to filing the plat with the Register of Deeds, the applicant receive approval from the Pennington County Board of Commissioners regarding CS 14-01; and,
8. That proposed Lots 1, 2, and 3 be rezoned to Limited Agriculture District or else Lot Size Variances be obtained to allow for the proposed lot sizes.

Discussion followed.

Moved by Landers and seconded by McCollam to approve of Subdivision Regulations Variance 14-08 to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; Road improvements to all Section Line right-of-way; submittal of percolation test results and soil profile information for the proposed; and topographical information at five (5) foot contour intervals; and approval of Minor Plat 14-21 with the following eight (8) conditions:

1. **The prior to filing the plat with the Register of Deeds, the Certificate of Planning Director be removed or crossed off;**
2. **That the applicant applies for and receive approval for an Approach Permit, off of Pink Cabin Road, prior to performing over 10,000 square feet of dirt-work;**

3. **That the road be improved to Limited Agriculture District Local/Collector Road Standards, including a 24-foot-wide, four (4) inch gravel driving surface, prior to filing the plat at the Register of Deeds or a surety or bond be posted for these improvements, or else a Subdivision Regulations Variance be obtained waiving this requirement;**
4. **At the time a Building Permit is applied for, for Lots 1 thru 3 of Harney Mountain Subdivision, an address will be assigned and said lot addresses will be off of Pink Cabin Road. When new addresses are issued, they should be posted so it is clearly visible at all times in accordance with Pennington County's Ordinance #20;**
5. **That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**
6. **That prior to a Building Permit being issued on the subject property, the owner and/or applicant meet with the Pennington County Fire Coordinator to agree upon a Fire Mitigation Plan;**
7. **The prior to filing the plat with the Register of Deeds, the applicant receive approval from the Pennington County Board of Commissioners regarding CS 14-01; and,**
8. **That proposed Lots 1, 2, and 3 be rezoned to Limited Agriculture District or else Lot Size Variances be obtained to allow for the proposed lot sizes.**

All voting aye, the Motion carried 7 to 0.

15. REZONE / RZ 14-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-07: Harney Mountain, LLC / Jim Scull. To rezone 36.94 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A Parcel of land to be rezoned from General Agriculture to Limited Agriculture, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel bears N00°04'50"W and a distance of 329.95 feet from the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, said section corner marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00°04'50"W and a distance of 1,047.70 feet to an intersection with the southerly line of Ida Tin Lode M.S.663; THENCE SECOND COURSE: along said southerly line of M.S. 663 with a bearing of N48°06'40"E and a

distance of 1,115.16 feet to corner number three of said M.S. 663 which is coincident with corner 13 of H.E.S. 135 marked with a scribed stone; THENCE THIRD COURSE: along the westerly line of said H.E.S. 135 with a bearing of S16°26'56"E and a distance of 555.18 feet to corner 12 of said H.E.S. 135, marked with a scribed stone; THENCE FOURTH COURSE: continuing along said westerly line of H.E.S. 135 with a bearing of S04°43'23"E and a distance of 805.22 feet to corner 11 of said H.E.S. 135, marked with a standard BLM brass cap; THENCE FIFTH COURSE: continuing along the westerly line of said H.E.S. 135 with a bearing of S00°29'38"W and a distance of 794.30 feet to corner 10 of said H.E.S. 135, marked with a rebar with a USFS aluminum cap, and coincident to an intersection with the section line common to said Section 27 and Section 34; THENCE SIXTH COURSE: along the section line common to said Section 27 and Section 34 with a bearing of N89°37'01"W and a distance of 393.19 feet; THENCE SEVENTH COURSE: along a line with a bearing of N03°02'27"W and a distance of 335.22 feet; THENCE EIGHTH COURSE: along a line with a bearing of S89°57'37"W and a distance of 634.40 feet and the Point of Beginning; Basis of Bearings established by GPS observation. Said Parcel of Land Contains 36.944 acres, more or less.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 36.94 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Limited Agriculture District.

Staff recommended approval of Rezone 14-09 and Comprehensive Plan Amendment 14-07.

Moved by Buskerud and seconded by Hall to approve of Rezone 14-09 and Comprehensive Plan Amendment 14-07.

All voting aye, the Motion carried 7 to 0.

16. MINOR PLAT / PL 14-22 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-09: Harney Mountain, LLC / Jim Scull. To create Lot JR of Brechtel #1 Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot J of Brechtel # Subdivision located in Section 34; Government Lot 13 located in Section 27; and Lot 1 (also in Section 34) of Harney Mountain Wilderness Estates located in Section 33, all in T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot JR of Brechtel #1 Subdivision, Sections 27, 33 & 34, T1S, R5E, BHM, Pennington County, South Dakota

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lot JR of Brechtel #1 Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 14-09 to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; to waive required road improvements to all Section Line right-of-ways; topographical information at five (5) foot contour intervals; submittal of engineered road construction plans; required road improvements to Addie Camp Trail to Local/Collector Road Standards for Low Density Residential including: 66' right-of-way, 24' wide driving surface, 4' gravel driving surface and 110' Right-of-Way Diameter for Turnaround; and approval of Minor Plat / PL 14-22 with the following three (3) conditions:

1. The prior to filing the plat with the Register of Deeds, the Certificate of Planning Director be removed or crossed off;
2. That prior to a Building Permit being issued on the subject property, the owner and/or applicant meet with the Pennington County Fire Coordinator to agree upon a Fire Mitigation Plan; and,
3. The proposed Lot JR of Brechtel #1 Subdivision be rezoned to Low Density Residential District or else Lot Size Variances be obtained to allow for the proposed lot size.

Moved by Litzen and seconded by Hall to approve of Subdivision Regulations Variance / SV 14-09 to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; to waive required road improvements to all Section Line right-of-ways; topographical information at five (5) foot contour intervals; submittal of engineered road construction plans; required road improvements to Addie Camp Trail to Local/Collector Road Standards for Low Density Residential including: 66' right-of-way, 24' wide driving surface, 4' gravel driving surface and 110' Right-of-Way Diameter for Turnaround; and approval of Minor Plat / PL 14-22 with the following three (3) conditions:

- 1. The prior to filing the plat with the Register of Deeds, the Certificate of Planning Director be removed or crossed off;**
- 2. That prior to a Building Permit being issued on the subject property, the owner and/or applicant meet with the Pennington County Fire Coordinator to agree upon a Fire Mitigation Plan; and,**
- 3. The proposed Lot JR of Brechtel #1 Subdivision be rezoned to Low Density Residential District or else Lot Size Variances be obtained to allow for the proposed lot size.**

All voting aye, the Motion carried 7 to 0.

17. REZONE / RZ 14-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-08: Harney Mountain, LLC / Jim Scull. To rezone 4.906 acres from General Agriculture District and Limited Agriculture District to Low Density Residential District and to

amend the Pennington County Comprehensive Plan to change the Future Land Use from Public and Planned Unit Development Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A Parcel of land to be rezoned from General Agriculture to Low Density Residential, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel being common with the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00°04'50"W and a distance of 329.95 feet; THENCE SECOND COURSE: along line with a bearing of N89°57'37"E and a distance of 634.40 feet; THENCE THIRD COURSE: along a line with a bearing of S03°02'27"E and a distance of 335.22 feet to an intersection with the section line common to said Section 27 and Section 34; THENCE FOURTH COURSE: along said section line a bearing of N89°37'01"W and a distance of 651.73 feet to the Point of Beginning. Basis of Bearings established by GPS observation. Said Parcel of Land Contains 4.906 acres, more or less.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 4.906 acres from General Agriculture District and Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public and Planned Unit Development Sensitive to Low Density Residential District.

Staff recommended approval of Rezone 14-10 and Comprehensive Plan Amendment 14-08.

Moved by Hall and seconded by McCollam to approve of Rezone 14-10 and Comprehensive Plan Amendment 14-08.

All voting aye, the Motion carried 7 to 0.

18. MINOR PLAT / PL 14-23 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-10: Harney Mountain, LLC / Jim Scull. To create Lot 1R of Block 2 of Harney Mountain Wilderness Estates and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot J of Brechtel # Subdivision located in Section 34 and Lot 1 (also in Section 34) of Harney Mountain Wilderness Estates located in Section 33, all in T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Block 2 of Harney Mountain Wilderness Estates, Sections 27, 33 & 34, T1S, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lot 1R of Block 2 of Harney Mountain Wilderness Estates and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 14-10 to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; to waive required road improvements to all Section Line right-of-ways; to waive submittal of percolation test results and soil profile information for proposed Lot 1R of Block 2 of Harney Mountain Subdivision; to waive dedication of 66 foot access easement; and to waive submittal of topographical information at five (5) foot contour intervals; and approval of Minor Plat / PL 14-23 with the following five (5) conditions:

1. The prior to filing the plat with the Register of Deeds, the Certificate of Planning Director be removed or crossed off;
2. That an access easement be dedicated on the plat if the applicant is proposing to share the existing approach off of Old Hill City Road to provide access to existing Lot 2;
3. That at the time a Building Permit is applied for, for the subject property, an address will be assigned and said lot address should be posted so it is clearly visible at all times in accordance with Pennington County's Ordinance #20;
4. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
5. That prior to a Building Permit being issued on the subject property, the owner and/or applicant adhere to Condition #8 (Final Plat 10-12) and/or meet with the Pennington County Fire Coordinator to agree upon a Fire Mitigation Plan.

Moved by Coleman and seconded by Landers to approve of Subdivision Regulations Variance / SV 14-10 to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; to waive required road improvements to all Section Line right-of-ways; to waive submittal of percolation test results and soil profile information for proposed Lot 1R of Block 2 of Harney Mountain Subdivision; to waive dedication of 66 foot access easement; and to waive submittal of topographical information at five (5) foot contour intervals; and approval of Minor Plat / PL 14-23 with the following five (5) conditions:

- 1. The prior to filing the plat with the Register of Deeds, the Certificate of Planning Director be removed or crossed off;**
- 2. That an access easement be dedicated on the plat if the applicant is proposing to share the existing approach off of Old Hill City Road to provide access to existing Lot 2;**

3. **That at the time a Building Permit is applied for, for the subject property, an address will be assigned and said lot address should be posted so it is clearly visible at all times in accordance with Pennington County's Ordinance #20;**
4. **That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,**
5. **That prior to a Building Permit being issued on the subject property, the owner and/or applicant adhere to Condition #8 (Final Plat 10-12) and/or meet with the Pennington County Fire Coordinator to agree upon a Fire Mitigation Plan.**

All voting aye, the Motion carried 7 to 0.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 22nd Planning Commission meeting.

20. ITEMS FROM THE PUBLIC

There were no items from the public.

21. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for September 2014.
- B. 2014 SD Planners Association Conference. Conover stated the conference is being held in Watertown from October 22nd to the 23rd. Commissioners McCollam, Landers, and Zvejnieks will be attending.
- C. October 27, 2014, PC Meeting – New Administration Building. Conover informed the Planning Commission that this meeting will be held in the new Administration Building.
- D. Open House on October 24th for the New Administration Building. Commissioner Buskerud stated there will be a ribbon cutting ceremony on Friday, October 24th at 11:00 a.m. for the new Administration Building and everyone is invited to attend.
- E. Conover thanked the Planning Department staff for all their hard work and commitment they have shown through the transition process of the Planning Department and with the coordination of the move.

22. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

23. ADJOURNMENT

Moved by Hall and seconded by McCollam to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **11:20 a.m.**

Sig Zvejnieks, Chairperson