

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**November 10, 2014 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, Bill McCollam, and Nancy Trautman.

STAFF PRESENT: PJ Conover, Brittney Molitor, Jeri Ervin, and Kinsley Groote (SAO)

ROLL CALL

1. APPROVAL OF THE OCTOBER 27, 2014, MINUTES  
**Moved by McCollam and seconded by Litzen to approve the minutes of the October 27, 2014, Planning Commission Meeting. Vote: unanimous (4 to 0).**
  
2. APPROVAL OF THE AGENDA  
**Moved by Litzen and seconded by McCollam to approve the Agenda of the November 10, 2014, Planning Commission Meeting, including the Consent Calendar, with the removal of Items #5, #6, and #8, with the addition of Item #12 to the Consent Calendar. Vote: unanimous (4 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 91-38:** Harmony Baptist Church. To review a church in a Suburban Residential District in accordance with Section 206 and 509 of the Pennington County Zoning Ordinance.

Lot A of Lots 1 and 2 of Block 1 of Eastern Acres Subdivision, located in the SW1/4SW1/4, Section 11, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 91-38 with the following five (5) conditions:**

1. **That the minimum number of parking spaces provided shall be 27, in accordance with Section 310-9-f.**

2. The number of additional parking spaces required for the educational building will be determined by the size of the building and parking regulations that are in effect at the time of construction;
3. That dust control measures be constantly maintained on the parking lot as required by the Zoning Ordinance;
4. That Building Permits be obtained for any structures on this lot in accordance with County Ordinances; and,
5. That this Conditional Use Permit be reviewed in four (4) years to review the progress of the development on this lot or on a complaint basis.

**Vote: unanimous (4 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 98-41:** Prairie Acres, LLC. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The E1/2W1/2SE1/4 SW1/4 and the W1/2E1/2SE1/4SW1/4 less Tract 1 of Vetsch Subdivision, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 98-41 with the following twenty-one (21) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires site plans to be reviewed and approved by the Planning Director;
2. That the mobile home park has a maximum of 67 mobile home spaces;
3. That each mobile home space continue to be allowed one mobile home, manufactured home or modular home (singlewide or doublewide);
4. That the existing mobile homes are allowed to remain in their present location and that replacement mobile homes have a minimum 20 foot separation between units;
5. That accessory structures be allowed to remain in their present location and that upon replacement of a mobile home, each lot be allowed one accessory shed measuring a maximum of 8 foot x 16 foot;
6. That decks continue to be allowed as an accessory structure to each mobile home;

7. That there shall be a front yard setback of ten (10) feet from all access roads within the mobile home park;
8. That the mobile home park have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet;
9. That a minimum 25 foot front yard setback be maintained along Seger Drive;
10. That each mobile home space continue to have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than one hundred sixty two square feet, nor nine feet by eighteen feet; surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
11. That the park maintains an area for visitor parking. This area must provide parking for a minimum of 19 spaces, each space being no smaller than nine (9) feet by 18 feet, kept in a dust free manner and may not be located in the existing 35 foot wide paved interior roadways as requested by the Fire Coordinator and the Highway Department;
12. That stop signs, in accordance with the “Manual on Uniform Traffic Control Devices” be maintained at the intersections of Seger Drive and the looped interior road as requested by the Highway Department;
13. That lot numbers be posted at each entrance road with four (4) inch reflective letters; or that the interior roadway be named allowing each mobile home space to be addressed individually;
14. That any expansion to the lagoon system shall be reviewed and approved by the Rapid City Public Works Department due to the property being adjacent to the City limits of Rapid City as required by State Regulations;
15. That a Floodplain Development Permit be obtained prior to the construction or development, including revisions and/or expansions on the wastewater system, within the area on the property located in a federally designated floodplain;
16. That prior to the start of construction on the revisions and/or expansion of the wastewater system, an approved Construction Permit be obtained;
17. That any expansion of the lagoon area or future development adjacent to the existing lagoon area, require that the existing four (4) foot high chain link fence be extended to continue as a buffer between the lagoon area and the mobile home park and/or future development on adjacent properties;

18. That the existing utility easements located on the property remain structure free;
19. That prior to the removal or placement of mobile homes within the park, a “no fee” Building Permit, which will include necessary site plans shall be submitted for review and approval by the Planning Director;
20. That the mobile home park continue to be provided with a Management Office; and,
21. That this Conditional Use Permit be reviewed in three (3) years, as deemed necessary by the Planning Commission and/or Board of Commissioners, or upon a complaint basis.

**Vote: unanimous (4 to 0).**

7. **CONDITIONAL USE PERMIT / CU 14-30:** Cherie Farlee. To allow for a single-wide manufactured home to be used as a caretaker’s residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

The NE1/4SW1/4 less RC Airport #4 and less Right-of-Way, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the October 27, 2014, Planning Commission meeting.)

**To approve of Conditional Use Permit / CU 14-30 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 Hidden Springs Road;
2. That the caretaker’s residence be removed from the property once care is no longer needed for Roderick Hall;
3. 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;
4. 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;
5. That the property is kept free of junk and debris;

6. That an approved Operating Permit be obtained through the City of Rapid City to ensure the on-site wastewater system is adequate for the residence and caretaker's residence prior to an issuance of a Building Permit for the caretakers residence; and,
7. That this Conditional Use Permit be reviewed in one (1) year, 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 (4 to 0).**

9. **CONDITIONAL USE PERMIT / CU 14-32:** Lloyd and Diane Byram. To allow for a ranchhand 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.

GL 4 less E410 ft; NE1/4SW1/4; Lot AB of GL 4, Section 4, T1S, R8E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 14-32 with the following six (6) conditions:**

1. That a Building Permit be obtained for the proposed ranch hand's residence, in which a site plan and floor plan will be required to be provided by the applicant;
2. That the applicant signs a "Ranch Hand's Statement" verifying he is directly engaged in the operation of the farm or ranch located on the property, at the time of application for the Building Permit for the proposed addition;
3. That the residence be occupied by a ranch hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operation of the farm or ranch located on the property;
4. That separate addresses be assigned for each of the ranch hand's residences at that they be posted both at the approach on South Highway 79 and on the individual structures, in accordance with Pennington County's Ordinance #20;
5. That a new on-site wastewater treatment system to service the ranch hand's residence is installed and an On-site Wastewater Construction Permit be obtained for review and approval by the Environmental Planner; and,

6. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Planning Commission to verify that all conditions of approval are being met.

**Vote: unanimous (4 to 0).**

10. **CONDITIONAL USE PERMIT REVIEW / CU 13-07:** Jack Bradt. To review the operation of a dude ranch to include lodging and horse trail rides in a General Agriculture District in accordance with Sections 205-C and 510 of the Pennington County Zoning Ordinance.

The W1/2 of the NW1/4, Section 21, T2S, R6E, BHM, Pennington County, South Dakota.

(Continued from the May 27, 2014, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 13-07 to the November 24, 2014, Planning Commission meeting.**

**Vote: unanimous (4 to 0).**

11. **MINOR PLAT / PL 14-30 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-15:** Dallas and Mary Dietrich. To create Lot 1 of Otho Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Less Tract A of HES #281 of Longmont Lode MS #2067 and All of Otho #2 Lode MS #2067, all located in Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Otho Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Subdivision Regulations Variance / SV 14-15 to waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; to waive submittal of percolation test results and soil profile information for proposed Lot 1 of Otho Subdivision; to waive submittal of topographical information at five (5) foot contour intervals; and, to waive submittal of required road improvements and engineered road construction plans for Greyhound Gulch Road and approval of Minor Plat / PL 14-30.**

**Vote: unanimous (4 to 0).**

12. **CONSTRUCTION PERMIT / CP 14-09:** RMS, Lode (Prairie Berry); GBA, Inc - Contractor. To finish work on the Prairie Berry expansion and to add the installation of a

wastewater treatment building and drainfield to the scope of work in accordance with Section 507 of the Pennington County Zoning Ordinance.

Lots 1, 2, and 3 of Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 14-09 with the following eight (8) conditions:**

- 1. 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;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That approval is required from the South Dakota Department of Environment and Natural Resources for the wastewater system;**
- 4. That prior to the installation of the new wastewater treatment system, an On-site Wastewater Construction Permit be obtained for review and approved by the Environmental Planner;**
- 4. That if Environmental Protection Agency classifies the wastewater system as a Class V Injection Well, any approvals from federal, state, and local agencies are required;**
- 5. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;**
- 6. That permanent erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped;**
- 7. That any monuments establishing property boundaries be replaced as necessary; and,**
- 8. That this Construction Permit expires one (1) from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission to verify that all conditions of approval are being met.**

**Vote: unanimous (4 to 0).**

**END OF CONSENT CALENDAR**

5. CONDITIONAL USE PERMIT REVIEW / CU 08-45: Elaine Andersen; Stephanie Andersen – Agent. To review a single-wide mobile home to be used as a temporary residence while constructing a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Tract Olson Parcel #3, Section 11, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the October 27, 2014, Planning Commission meeting.)

Conover asked for this item to be removed from the Consent Calendar to discuss the amending the wording in the recommendation by Planning staff. Conover explained that staff originally recommended the item be continued to the January 26, 2015, Planning Commission meeting to allow the applicant time to remove the single-wide mobile home from the property. He further asked that the Recommendation state “Staff recommends to continue the review of Conditional Use Permit 08-05 to the January 26, 2015, Planning Commission meeting, to allow the applicant ample time to remove the single-wide mobile home from the subject property, at which time the Conditional Use Permit be shall be revoked with the applicant’s concurrence.”

**Moved by Trautman and seconded by Litzen to continue the review of Conditional Use Permit 08-05 to the January 26, 2015, Planning Commission meeting, to allow the applicant ample time to remove the single-wide mobile home from the subject property, at which time the Conditional Use Permit be shall be revoked with the applicant’s concurrence.**

**All voting aye, the Motion carried 4 to 0.**

6. CONDITIONAL USE PERMIT REVIEW / CU 13-08: Bill Whitney / Stanley Johnson Concrete; Larry and Lenora Ruland - Owners. To review a concrete batch plan and aggregate stock pile site in a General Agriculture District to work on the reconstruction project of I-90, east of Wall, in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4; S1/2NE1/4SW1/4, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

Chairman Zvejnieks asked to have this item removed from the Consent Calendar to discuss the Conditions of Approval. He noted that the asphalt plant with equipment is not located on the subject property, but another entity is using the property in a similar fashion to finish the project of road work on I-90.

Chairman Zvejnieks spoke of three conditions to amend or remove: Condition #2 recommended the wording be “That port-o-potties be provided on-site during operations.” Condition #3 “That the assigned address shall be posted on the office



structure and a cell phone shall be present on the site during the operation of the asphalt plant,” and to remove Condition #11 as it no longer applies.

Discussion followed.

**Moved by Zvejnieks and seconded by Litzen to approve of the extension of Conditional Use Permit 13-08 with the following eleven (11) conditions.**

- 1. 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;**
- 2. That port-o-potties be provided on-site during operations;**
- 3. That the assigned address shall be posted on the office structure and a cell phone shall be present on the site during operations;**
- 4. That the existing approach off of 239<sup>th</sup> Street be utilized;**
- 5. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing proper BMPs prior to any land disturbance;**
- 6. That all tailings, stockpiles and temporary offices be cleaned up and removed from the property upon the completion of the project;**
- 7. That all necessary permits from the Department of Environment and Natural Resources be obtained;**
- 8. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas are maintained in a dust free condition;**
- 9. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;**
- 10. That an Air Quality Permit be obtained from the South Dakota Department of Environment and Natural Resources. A copy of the Air Quality Permit shall be provided to the Planning Department prior to the operation of the concrete batch plant; and,**
- 11. That this Conditional Use Permit be reviewed in September 14, 2015, upon a complaint basis or as determined by the Planning Commission to determine that all conditions are being met.**

**All voting aye, the Motion carried 4 to 0.**

8. CONDITIONAL USE PERMIT / CU 14-31: Walter and Barbara Digmann. To allow an existing residence to be used as a temporary residence while building a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot B, Gold King Lode MS 2064, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the October 27, 2014, Planning Commission meeting.)

Molitor asked to have this item removed from the Consent Calendar to discuss changing staff's recommendation to continue the item to the November 24, 2014, Planning Commission meeting and to remove one of the Conditions of Approval.

Molitor explained that the applicants met with the Forest Service and they do not need a Special Use Permit, and staff would like to remove Condition #1 for that requirement and now recommend approval with five (5) conditions.

1. That the applicants apply for a FLPMA Forest Road Special Use Permit for the use and maintenance of National Forest System Road 789 prior to issuance of a building permit for the new single-family residence;
2. That effluent from the existing residence is hauled to the newly installed onsite wastewater treatment system until the single-family residence is habitable;
3. That the applicant obtain a Building Permit for the new single-family residence;
4. That the applicant obtain a Removal Permit for the existing home and the existing home be removed from the property once the applicant's new residence is habitable;
5. 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; and,
6. That this Conditional Use Permit is reviewed as deemed necessary by the Planning Commission or the Board of Commissioners, in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

**Moved by McCollam and seconded by Litzen to approve Conditional Use Permit 14-31 with five (5) conditions:**

1. **That effluent from the existing residence is hauled to the newly installed onsite wastewater treatment system until the single-family residence is habitable;**
2. **That the applicant obtain a Building Permit for the new single-family residence;**
3. **That the applicant obtain a Removal Permit for the existing home and the existing home be removed from the property once the applicant's new residence is habitable;**
4. **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; and,**
5. **That this Conditional Use Permit is reviewed as deemed necessary by the Planning Commission or the Board of Commissioners, in one (1) year or on a complaint basis to verify that all conditions of approval are being met.**

**All voting aye, the Motion carried 4 to 0.**

13. CONDITIONAL USE PERMIT / CU 14-25: Jeff DeVeney. To allow for two storage units to be located on the subject property in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the October 27, 2014, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for two 50-foot by 100-foot storage units on the subject property. The applicant recently filed a plat for Lots H and J of Murray Subdivision. Lot J is where the proposed storage units will be located.

Conover stated that staff did receive a letter from residents within 500 feet of the subject property, who are asking that this Conditional Use Permit be denied. The residents expressed concern with increased traffic to the area, property values being lowered, disruption of privacy, access issues, lack of current care of the subject properties, no privacy fence, and drainfield on the subject property.

Conover further spoke of the surrounding zoning of the subject parcel and noted it is a mix of agricultural, residential and highway service uses.

Staff recommended approval of Conditional Use Permit 14-25 with the following twelve (12) conditions:

1. 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;
2. That a minimum of four parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That two (2) storage buildings be allowed on the subject property not to exceed 50-feet x 100-feet and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;
4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
6. That an on-premise sign(s) shall be allowed with an approved Sign Permit. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That prior to any Building Permits being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approach for commercial use;
8. That any additional construction, so desired within the 100-year floodplain boundary require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA prior to the issuance of a Building Permit;
9. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
10. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
11. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact information with the owners phone number, which must be clearly visible at the entrance of the lot; and,

12. That this Conditional Use Permit be reviewed in one (1) year, as deemed necessary by either the Board of Commissioners and/or Planning Commission and/or on a complaint basis to ensure that all conditions of approval are being met.

Chairman Zvejnieks noted that the site plan is different in the staff report than what is being shown to the Planning Commission. He also asked if the applicant will only be building two storage units.

Conover explained that the site plan is different because the applicant recently reconfigured the two lot lines and platted the property and he stated the applicant's intent is for two storage units.

Commissioner Trautman wanted to know the setbacks in a Highway Service District.

Conover stated that a side yard setback in Highway Service is 10 feet.

Commissioner McCollam expressed concern that one of the storage units will be located in the reserve drainfield easement, as noted on the plat, and asked whether there will be bathrooms located in each of the structures.

Conover responded and stated there will be no bathrooms.

Mr. Jeff DeVeney, applicant, appeared and stated the drainfield easement was needed because of the restaurant that had been located on Lot 3 of Lot D.

Molitor further explained that most of the property is now located in the floodplain and when the original easement was dedicated, the property was not located in the floodplain. With the property now being located in the floodplain, the applicant will have to remove the reserve drainfield to another area or he will have to put in a total containment-type system, since DENR will not allow drainfields in the ground in the floodplain.

Chairman Zvejnieks questioned if the note on the plat, regarding the drainfield easement, should be removed since the property is now in the floodplain or vacated.

Molitor stated yes because the applicant cannot build in that area.

Conover noted that he would research this.

Mr. DeVeney added that there is a demand in Hill City for storage units.

Commissioner Litzen asked if fencing had been required as a condition of approval for the other Conditional Use Permits with storage units.

Conover said no, it was not required.

Chairman Zvejnieks spoke of the County Highway Department's comments regarding increased storm water runoff due to development shall be metered to existing flow and noted this was not addressed in the Conditions of Approval.

Molitor explained that this will be addressed with the Building Permit process as part of the construction of the building. Since the applicant is increasing the impervious areas, he will have to do the water quality capture volumes for the construction. This is similar to another project also addressed with the Building Permit process (The Dollar General store).

**Moved by Litzen and seconded by Trautman to approve Conditional Use Permit 14-25 with the following twelve (12) conditions:**

- 1. 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;**
- 2. That a minimum of four parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 3. That two (2) storage buildings be allowed on the subject property not to exceed 50-feet x 100-feet and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;**
- 4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;**
- 5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;**
- 6. That an on-premise sign(s) shall be allowed with an approved Sign Permit. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;**
- 7. That prior to any Building Permits being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approach for commercial use;**
- 8. That any additional construction, so desired within the 100-year floodplain boundary require an approved Floodplain Development Permit and/or**

**approved Letter of Map Revision or Amendment from FEMA prior to the issuance of a Building Permit;**

- 9. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;**
- 10. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;**
- 11. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact information with the owners phone number, which must be clearly visible at the entrance of the lot; and,**
- 12. That this Conditional Use Permit be reviewed in one (1) year, as deemed necessary by either the Board of Commissioners and/or Planning Commission and/or on a complaint basis to ensure that all conditions of approval are being met.**

**All voting aye, the Motion carried 4 to 0.**

14. MINOR PLAT / PL 14-29 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-14: Pat and Stacey Brown; Davis Engineering – Agent. To create Tract A, Tract B, and Tract C of J.S. Johnson Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 11, Lot 12, and Lot 15 Revised of J.S. Johnson Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A, Tract B, and Tract C of J.S. Johnson Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Minor Plat to create Tract A, Tract B, and Tract C of J.S. Johnson Subdivision and a Subdivision Regulations Variance to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 14-14 to waive submittal of dedication of additional right-of-way; waive submittal of required road improvements to Local/Collector Street Standards (paving, curbs, and sidewalks); waive submittal of engineered road construction plans; waive submittal of topographical information at five (5) foot contour intervals; and, to waive submittal of percolation test and soil profile hole information; and approval of Minor Plat / PL 14-29 with the following six (6) conditions:

1. That prior to filing the plat with the Register of Deeds, the Auditors Certificate be included on the plat;
2. That at the time Building Permits are applied for, for the subject properties, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County's Ordinance #20;
3. 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;
4. That, if construction within the 100-year Floodplain and/or Floodway boundary is desired, an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment, from FEMA, is required prior to the issuance of a Building Permit;
5. That the applicant ensure that all natural drainage ways must be maintained and are not blocked; and,
6. 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.

Chairman Zvejnieks noted the Subdivision Regulation Variances being granted and spoke of addressing these in the future.

Commissioner Trautman expressed concern with the width of access for the proposed three lots. She wanted to know how far back a residence can be placed on each lot to address the 24-foot-wide access easement and the possibility of several emergency vehicles trying to access each of the lots at any given time during an emergency.

Mr. Ron Davis, agent, appeared and noted Commissioner Trautman's concern and stated that most of the houses in the area are all built farther back on the lots.

Discussion followed.

**Moved by Litzen and seconded by McCollam to approve of Subdivision Regulations Variance / SV 14-14 to waive submittal of dedication of additional right-of-way; waive submittal of required road improvements to Local/Collector Street Standards (paving, curbs, and sidewalks); waive submittal of engineered road construction plans; waive submittal of topographical information at five (5) foot contour intervals; and, to waive submittal of percolation test and soil profile hole information; and approval of Minor Plat / PL 14-29 with the following six (6) conditions:**



1. That prior to filing the plat with the Register of Deeds, the Auditors Certificate be included on the plat;
2. That at the time Building Permits are applied for, for the subject properties, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County's Ordinance #20;
3. 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;
4. That, if construction within the 100-year Floodplain and/or Floodway boundary is desired, an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment, from FEMA, is required prior to the issuance of a Building Permit;
5. That the applicant ensure that all natural drainage ways must be maintained and are not blocked; and,
6. 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.

**All voting aye, the Motion carried 4 to 0.**

15. DICUSSION OF VIDEO RECORDING OF PLANNING COMMISSION MEETINGS.

Conover reviewed the proposed Video Recording Policy with the Planning Commission, and further stated this policy is in-line with the policy the Board of Commissioners have adopted for Video Recording.

Discussion followed.

**Moved by Litzen and seconded by Trautman to continue the discussion of this item to the November 24, 2014, Planning Commission meeting when all Planning Commission members can be present.**

**All voting aye, the Motion carried 4 to 0.**

16. DISCUSSION OF MINUTES TO SHOW MOTIONS ONLY.

**Moved by Litzen and seconded by Zvejnieks to continue the discussion of this item to the November 24, 2014, Planning Commission meeting when all Planning Commission members can be present.**

**All voting aye, the Motion carried 4 to 0.**

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 27th Planning Commission meeting.

18. ITEMS FROM THE PUBLIC

Ms. Joyce Sugrue, member of the public, appeared and stated she would like to comment on the VH Rental Ordinance after discussion of it under Items From Staff.

19. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for October 2014.

B. VH Rental Ordinance. Commissioner Trautman explained that members of the public appeared at the November 7<sup>th</sup> Board of Commissioners meeting asking to speak about the sale/transfer condition in the Vacation Home Rental Ordinance. The members of the public questioned sale/transfer for estate planning purposes and whether or not transfer of an estate would automatically revoke the Conditional Use Permit for a VH Rental in a Suburban Residential District. Commissioner Trautman stated that research will be done regarding sale/transfer of a property for estate planning and more information will be brought back to both the Planning Commission and Board of Commissioners.

Ms. Joyce Sugrue discussed the sale/transfer in a VH Rental and also questioned when a corporation is formed with a VH Rental on the property, could a sale of the LLC take place without the review of a VH Rental.

Discussion followed.

C. Conover informed the Planning Commission that they will be performing second interviews on Wednesday and asked if any Planning Commission member or Board of Commissioner would like to sit in on the interviews.

D. Environmental Planner. Conover stated that Thomas John Doreff was hired as the Environmental Planner and will be starting on Monday, November 17th

20. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

21. ADJOURNMENT

**Moved by Litzen and seconded by McCollam to adjourn.**

**All voting aye, the Motion carried 4 to 0.**

The meeting adjourned at **10:26 a.m.**

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Sig Zvejnieks, Chairperson