

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
November 24, 2014 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Lori Litzen, Barbara Landers, Bill McCollam, and Ken Davis.

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 10, 2014, MINUTES
Moved by Hall and seconded by McCollam to approve the minutes of the November 10, 2014, Planning Commission Meeting, with a correction to Item #6 to remove the language "of the asphalt plant" in Conditions #2 and #3 . Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Landers and seconded by Litzen to approve the Agenda of the November 10, 2014, Planning Commission Meeting, including the Consent Calendar, with the removal of Items #4, with the addition of Item #9 to the Consent Calendar. Vote: unanimous (6 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 91-21:** Terry and Rayann Monson.
To review a single-wide mobile home being used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 11, Ashland Subdivision #1, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend revoking Conditional Use Permit / CU 91-21 with the property owner's concurrence.

Vote: unanimous (6 to 0).

5. **VACATION OF PLAT / VP 14-02:** Schurgerland, LLC. To vacate that part of Lots 10, 11, and 12 located in Pennington County of Pathfinder 1 Subdivision in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lots 1-12 of Pathfinder 1 Subdivision, all located in the SE1/4, Section 9, T2N, R9E, BHM, Meade County and Pennington County.

PROPOSED LEGAL: W1/2SE1/4 and SE1/4SE1/4, Section 9, T2N, R9E, BHM, Meade County and Pennington County.

To recommend to continue the Vacation of Plat / VP 14-02 to the January 12, 2015, Planning Commission meeting.

Vote: unanimous (6 to 0).

6. **REZONE / RZ 14-11:** Larry Teuber; Renner & Associates - Agent. To rezone .815 acres from Limited Agriculture District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Commencing at a corner on the northerly boundary of Lot 2R2, Block 4, Spring Canyon Estates, common to the northeasterly corner of Lot 1R, Block 4, Spring Canyon Estates, common to a point on the southerly edge of Clarkson Road right-of-way, and the point of beginning; Thence, first course: S44°38'45"W, along the westerly boundary of said Lot 2R2, common to the easterly boundary of said Lot 1R, a distance of 423.99 feet, to a corner on the westerly boundary of said Lot 2R2, common to the southeasterly corner of said Lot 1R; Thence, second course: N10°53'21"W, along the southerly boundary of said Lot 1R, a distance of 200.55 feet, to a corner on the southerly boundary of said Lot 1R; Thence, third course: N76°55'43"E, a distance of 231.10 feet; Thence, fourth course: N32°39'12"E, a distance of 107.04 feet, to a point on the northerly boundary of said Lot 1R, common to a point on the southerly edge of Clarkson Road right-of-way; Thence, fifth course: S54°34'25"E, along the northerly boundary of said Lot 1R, common to the southerly edge of Clarkson Road right-of-way, a distance of 65.00 feet, to the said point of beginning. Said Parcel contains 0.815 acres or 35,517 square feet more or less.

To recommend approval of Rezone / RZ 14-11 to rezone .815 acres from Limited Agriculture District to Low Density Residential District.

Vote: unanimous (6 to 0).

7. **CONSTRUCTION PERMIT / CP 14-10:** Highmark, Inc. To stockpile dirt and use the dirt to level out areas on the lot in accordance with Section 507 of the Pennington County Zoning Ordinance.

SE1/4 Less LOTS A, B, C AND D IN S1/2SE1/4 Less LOT H1 AND Less Dedicated Right-of-Way; Lot A Less W400 ft in S1/2SE1/4 and Less Lot H2, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Construction Permit / CP 14-10 with the following seven (7) 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 a Rapid City Air Quality Permit be obtained prior to commencement of any work on the subject property;**
- 4. That the conditions of the Rapid City Air Quality Permit be continually met;**
- 5. That a revised Construction Permit Application and Site Plan be submitted for review and approval if revisions to the original plan are made;**
- 6. That permanent 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 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 (6 to 0).

- 9. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-04: James and Janet Mertz. To review an existing Planned Unit Development in accordance with in accordance with Section 213 of the Pennington County Zoning Ordinance.**

Lot 5, Burlington Estates Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Planned Unit Development / PU 06-04 to the December 9, 2014, Planning Commission meeting.

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

4. CONDITIONAL USE PERMIT REVIEW / CU 08-47: Roger Stockstad. To review a single-wide manufactured home as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 11AR, Block 7, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

Conover asked to have this item removed from the Consent Calendar to change the file number from 98-41 to 08-47, and, to include the language from Condition #6 that was not included in the Staff Report.

Conover explained that Condition #6 should state: “That this Conditional Use Permit be reviewed in four (4) years, 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.”

Staff recommended approval of the extension of Conditional Use Permit / CU 08-47 with the following six conditions:

1. That the address be properly posted in accordance with Pennington County’s Ordinance #20;
2. That any use of the property be designed so as to not interfere with Corbin Drive;
3. That all structures maintain the proper setbacks from all lot lines and be located outside of the dedicated 20 foot irrigation easement;
4. That the property remains free of debris and junk vehicles;
5. That the mobile home has a peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained and be provided with skirting from the bottom of the walls to the ground; and,
6. That this Conditional Use Permit be reviewed in four (4) years, 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.

Moved by Davis and seconded by Hall to approve of the extension of Conditional Use Permit / CU 08-47 with the following six conditions:

1. **That the address be properly posted in accordance with Pennington County’s Ordinance #20;**

2. **That any use of the property be designed so as to not interfere with Corbin Drive;**
3. **That all structures maintain the proper setbacks from all lot lines and be located outside of the dedicated 20 foot irrigation easement;**
4. **That the property remains free of debris and junk vehicles;**
5. **That the mobile home has a peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained and be provided with skirting from the bottom of the walls to the ground; and,**
6. **That this Conditional Use Permit be reviewed in four (4) years, 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 6 to 0.

8. CONSTRUCTION PERMIT AMENDMENT / CP 14-07: Dan and Nancy Evangelisto. To grade and level an area of a hillside in order to construct a building (Lots 10, 11, and 12) and to stockpile material at another location (Lot 27) of the property in accordance with Section 507 of the Pennington County Zoning Ordinance.

Lots 10, 11, 12 and Lot 27 of Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied to amend their Construction Permit to grade and level an area of hillside in order to construct a building and to stockpile material at another location (Lot 27) of the property.

Molitor stated that, since October 27, 2014, staff has received numerous complaints regarding the construction activity located on the applicants' property. This includes the stockpiling of material on Lot 27 (for which this request is for), dust control, building roads without a permit, impacts to neighboring septic systems, and for the depositing of materials on United States Forest Service Lands and elsewhere throughout the property. In addition, there is concern that some of the material may be located on South Dakota Department of Transportation Right-of-Way (near Lots 34 and 35).

Molitor further explained that Mr. Evangelisto met with the Forest Service on November 4, 2014, regarding the depositing of material on Forest Service Lands and was told to remove the material. A letter was sent from the Forest Service to Mr. Evangelisto regarding this issue.

Molitor also stated that staff contacted Mr. Evangelisto on several occasions regarding the issues, and he has indicated that he is addressing them and/or the complaints are

frivolous. Staff visited the site on November 19, 2014, and several issues were identified during the interdepartmental review and during the site visit to the subject property. It appears work has commenced prior to approval of the Construction Permit (on Lot 27), grading and leveling has occurred on Lot 15 (associated with BP14-0503 for construction of a shop building), material has been stockpiled near lots 34 and 35, material has been stockpiled on Lot 19 in the Section Line Right-of-Way, and there is no erosion and sediment control measures on Lots 10, 11, and 12.

Staff recommended denial of the Amended Construction Permit #14-07. A revised Construction Permit Application, with applicable penalty fees, and Site Plan shall be submitted for review and approval for all of the Construction Activity in Custer Trails Subdivision.

If the Planning Commission approves Amended Construction Permit #14-07, staff recommended the following twelve (12) conditions be included in the Conditions of Approval:

1. That if material was placed in the Section Line Right-of-Way, that it be removed within 90 days of approval of this Construction Permit;
2. That the applicant removes the material on Forest Service Lands as required by the Forest Service;
3. That permanent stabilization (seeding, etc.) be applied to the stockpiles near Lots 34 and 35;
4. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained;
5. That erosion control measures be implemented and maintained and barrier protection measures (ie wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
6. That culverts be installed to allow for the natural drainage ways and paths to be continually maintained;
7. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
8. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
9. That any monuments establishing property boundaries be replaced as necessary;

10. That a revised Construction Permit Application, with applicable penalty fees, and Site Plan be submitted for review and approval for all of the Construction Activity in Custer Trails Subdivision;
11. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and,
12. 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 or on a complaint basis.

Mr. Dan Evangelisto, applicant, appeared and provided a brief history of the subject property, including the Bed and Breakfast of Summer Creek Inn. He stated that, he told the previous Planning Director that he and his wife were thinking of placing a building behind the Bed and Breakfast and wanted to know if he needed a Construction Permit to prep the site to see what they had for a building pad to construct the building. Mr. Evangelisto said that he was told that, as long as he did not disturb more than 1,000 cubic yards of material, he did not need a Construction Permit.

Mr. Evangelisto noted that it was spring when he then started dirt work to create a pad for the building. In October he was contacted by staff from the Planning Department, who informed the applicant that he was in violation since the Zoning Ordinance had changed from cubic yards to square feet of disturbance and he was unaware of this. This is when he applied for a Construction Permit. He also added that he had received approval of a Building Permit, prior to approval of the original Construction Permit in October. He then came back in to amend the Construction Permit, after staff from the Planning Department contacted him regarding more complaints they have received.

Mr. Evangelisto further spoke of the roads in the subdivision stating they needed to be improved. He now had the material from the site and distributed it around the area. He also informed the Planning Commission that he is president of the Road District for Custer Trails Subdivision and feels that the Road District requirements are overlapping with the required Construction Permit. He also noted that he is waiting to hear back from the Forest Service to see if he needs a Variance from them or remove the material that is on Forest Service property. Mr. Evangelisto said he wants to comply, but doesn't think the Road District issues should be applied to his personal Construction Permit.

Chairman Zvejnieks noted that the material the applicant is taking for the Road District is off of their personal property to create the grading.

Mr. Evangelisto said it is, but when that happened, he was under the impression that he was in compliance with the Zoning Ordinance and he was not moving the amount of material that required a Construction Permit. He had the material from their construction site to create a road base, and believes the Road District is benefitting from receiving the material and he has time ledgers and material ledgers of this being done for the Road District.

Chairman Zvejnieks spoke of the Road District Board and questioned if there is a Road District Board.

Mr. Evangelisto said there is one.

Chairman Zvejnieks asked if they are aware of what is transpiring and have approved him to perform the work.

Mr. Evangelisto stated yes.

Commissioner Litzen asked staff when the Construction Permit guidelines were changed.

Molitor stated those guidelines were revised in 2011 and another concern is that the applicants are stockpiling in a Section Line Right-of-Way.

Mr. Evangelisto responded and stated he did not know there was a Section Line on Lot 19. He noted that the pile is wood chips waiting to decompose.

Commissioner Hall wanted to know how tall the wood chip pile is.

Mr. Evangelisto said around 6 feet in height.

Commissioner Davis spoke of Mr. Evangelisto's previous comments where the Road District gave him approval to perform the work in the subdivision. He wanted to know if those meeting minutes are on file at the Auditor's Office.

Mr. Evangelisto explained that they held a meeting about two years ago and the minutes show he would do the road improvements, install culverts, waddles, and eventually gravel. Those meeting minutes are on file at the Auditor's Office.

Chairman Zvejnieks asked if there are specific plans in place for the road improvements and are those plans being followed, such as the slopes, etc.

Mr. Evangelisto noted that there are no specific plans in place, only as material is available to do each project.

Commissioner Hall asked if he implemented erosion control measures with all of the construction be performed.

Mr. Evangelisto stated he has not had erosion control issues, but does have waddles. He further stated the material is so rocky that they don't have those issues.

Chairman Zvejnieks asked if he has a State SWIPP plan in place.

Mr. Evangelisto said he is small enough that he does not have to have one.

Molitor stated she would need to speak with SD DENR to see if the applicant needs to also meet their guidelines.

Commissioner Davis asked Mr. Evangelisto what his plans are for the future on the area he is performing the construction on.

Mr. Evangelisto said their intentions are to have single-family residences on the lots.

Commissioner Hall questioned what the applicant intends to build on the property that was excavated.

Mr. Evangelisto said a shop building and to possibly use it as an event venue.

Commissioner Hall wanted to know what kind of events will be held and how many people the building will hold.

Mr. Evangelisto stated for weddings, approved through their Conditional Use Permit, and up to 150 people.

Chairman Zvejnieks asked if he is building a shop or building it as an event center.

Mr. Evangelisto said it would be used for both.

Conover stated the applicant applied for a 50 foot by 105 foot detached garage, and, at no time, was it ever indicated to staff that the building is to be used for commercial purposes. The applicant stated he only wanted to store his construction equipment.

Mr. Kent Hagg, attorney for the applicant, appeared and discussed the recommended penalty fees associated with the Construction Permit and asked that these be waived, since the work being performed was done in good faith. He also spoke of staff's recommendation to deny, so that the applicant can meet with the Planning Department to show the work being performed under the Road District and work associated with a Construction Permit. He asked that the application be denied at this time.

Chairman Zvejnieks noted Mr. Hagg's recommendation to deny the Construction Permit and decide which work is being performed under the Road District and the work done through a Construction Permit.

Commissioner Hall questioned how this can be done legally.

Molitor stated she would recommend that, if the applicant is stockpiling material from one site to another site, that the Construction Permit receiving the stockpile, acknowledges that and then there is one for the grading on the private property and the applicant would need to submit road plans if that is what they are using it for and also address the material in the Section Line. Molitor stated she does not have a problem with

denying the amended Construction Permit in order to separate the work and the applicant correct the issues involved and show what work is being done under the Road District and possibly applying for a new Construction Permit.

Moved by Landers and seconded by Hall to deny, without prejudice, Amended Construction Permit / CP 14-07 in order for the applicant to work with the Planning Department staff to address the issues involved and to separate work being performed with the Road District and the applicant also apply for a new Construction Permit in the future, if one is needed.

All voting aye, the Motion carried 6 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 November 10, 2014, Planning Commission meeting.)

Conover stated the review of this item had been continued from the May 27th and November 10th Planning Commission meetings in order for Mr. Bradt to meet Condition #9 of the Conditions of Approval which state: *“That within 120 days the applicant obtain approval from the U.S. Forest Service to utilize the Forest Service easement and the Section Line Road be maintained to a minimum of a 12-foot-wide driving surface and a drivable condition or obtain a minimum of a 40-foot-wide access easement across private property or a prescriptive easement”* since, at that time, the U.S. Forest Service did not act on the Road Use Permit FDR 363.1A. The motion by the County Board of Commissioners has given Mr. Bradt Permission to operate his business until November 1, 2014.

Since September 20, 2013, Mr. Bradt has worked with the U.S. Forest Service and obtained permission to utilize the access easement across Capstone’s property to the Section Line ROW along the western edge of Capstone’s property for legal access. Staff contacted the U.S. Forest Service and verified that they have issued a Special Use Permit to utilize the access easement across Capstone’s property. A copy of the Forest Road Special Use Permit is in the Conditional Use Permit’s file.

The applicant is currently utilizing Presidio Ranch Road, a private access easement and a gravel road through the private property and U.S. Forest Service land. The applicant, at one time, indicated that he would be obtaining a lease agreement between himself and the private property owner that was to be renewed on an annual basis for the portion of the road that is on private property. The lease agreement was to be an easement providing

legal access to the property. The two parties did not come to an agreement and the lease was never implemented.

The property does have legal access to the property, via the Forest Service easement and then onto a Section Line located between Forest Service land and the private individual's land to the north of the applicants. However, the applicant has indicated this is not his preferred route to access his property. The easement continues on to the Section Line that has been opened, but never fully constructed to Pennington County Standards.

Conover also explained that, on November 9th, he received an e-mail from the adjacent property owner stating that: "As per your associate's request, I have paid the highway department for the installation of a road sign designating Presidio Ranch Road. I was told this was required by you for my neighbor's business, the Triple R Ranch. My comments to the County Commissioners are the same that I made to the Planning Commission previously. I am inclined to believe that Pennington County must have minimum standards of road quality and maintenance that are required of any business owner to allow safe passage of customers. The designation as "drivable" is so vague and nonspecific that it is has no meaning and cannot be enforced. Drivable in what type of vehicle? Also, there is the issue of emergency vehicles being able to expeditiously reach the place of business. As I stated to the Planning Commission, I am only asking that the Triple R Ranch be held to the same standard as any other business in your jurisdiction. Respectfully, Mark Harlow"

Conover further added that he performed a site visit to the subject property with the applicant. Ingress into the property was by way of Presidio Ranch Road and across the Section Line right-of-way and egress out of the property was by way of the Private Road and Presidio Ranch Road.

Conover noted that the applicant has meet 8 of the 11 conditions. The conditions still needing to be met are Conditions #2, 9, 10, and 11.

Staff recommended that Conditional Use Permit 13-07 be continued until the January 12, 2015, Planning Commission meeting to allow the applicant time to meet the Conditions of Approval listed below.

If Planning Commission approves the extension of Conditional Use Permit / CP13-07, staff recommends the following twelve (12) conditions be included with the Conditions of Approval:

1. That the permitted uses be a dude ranch (recreational resort) which is to include; duplex, ranch hand residence, two bedroom guest quarters, single-family residence and trial riding;
2. The applicant obtain an Operating Permit for the existing onsite wastewater treatment system(s) within 240 days;

3. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, prior to their construction, which includes the necessary site plans to be reviewed and approved by the Planning Director;
4. That a guest list be continually maintained;
5. That each sleeping room continues to have smoke detectors and each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated and replaced in compliance with manufacturers' specifications;
6. That the applicant continue to have at least one 2ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure and that they be serviced each year;
7. That one (1) wall sign and one (1) free-standing sign be allowed not to exceed twenty-four (24) square feet in area and that the free-standing sign shall not be located closer than seventeen (17) feet to the nearest street right-of-way line;
8. That the applicant continue to maintain a Sales Tax License and a Bed and Breakfast License from the State of South Dakota;
9. That the Section Line Road be maintained to a minimum of a 12-foot-wide driving surface and in such a condition that a two-wheel drive vehicle is able to drive the roadway, most of the time, or obtain a minimum of a 40-foot-wide access easement across private property or a prescriptive easement;
10. That within 30 days, the Pennington County Highway Department Superintendent visit the site, be allowed to inspect the road within the Forest Service Easement and the Section Line Right-of-Way and send the Pennington County Planning Department a letter stating whether or not the roadways in question meet County Standards;
11. That the address be clearly posted on the property, at all access points, and for emergency purposes, the address be posted in each guest room;
12. That this Conditional Use Permit be reviewed in one (1) year, as deemed necessary by the Board of Commissioners or Planning Commission or upon a complaint basis.

Commissioner Davis discussed the continuance date and noted the applicant would not be allowed to accept reservations for the upcoming year and questioned whether or not this could be extended to continue his business.

Mr. Phil Stiles, attorney for the agent, appeared and spoke on behalf of the applicant. He provided brief history of the subject property and the applicants' business. He stated the

applicants' business is only open in the summertime to the fall, and the applicants do not have the financial means to make road improvements. Mr. Stiles stated the road is built to a standard which is sufficient for a small business.

Mr. Stiles further suggested Condition #9 be worded to stated: "That the Section Line Road be maintained to a minimum 12-foot-wide driving surface and in such a condition that a two-wheel drive vehicle is able to drive the roadway, most of the time, between May 15th and November 15th or obtain an access easement which meets the standards described herein. Mr. Stiles also recommended removing Condition #10.

Chairman Zvejnieks noted that staff has been trying to clarify drivable and to provide safe access to the customers.

Mr. Stiles stated the applicants had 61 guests in 2012, 25 guests in 2013, and 48 guests in 2014.

Mr. Jack Bradt, applicant, appeared and addressed the proposed Conditions of Approval. He stated that he personally feels he has met all 12 of the Conditions. He has supplied information in the rooms to show where the property is located and the route coming from Keystone to the property. There is a number posted on the gate, and only recently were they able to obtain a 911 address with the naming of Presidio Ranch Road. At this time they do not have any markings on the Forest Service Road and have sent a letter to them to be able to do this.

Mr. Bradt further discussed the term "drivable" for the road requirement as it relates to Condition #9 and provided a letter written in 1994 from Jack Dier, prior superintendent of the County Highway Department. Mr. Bradt stated that Mr. Dier did come to the property and they walked the Section Line to the existing road. Mr. Bradt notes in that letter from Mr. Dier, it is his opinion that an experienced contractor will be able to develop a satisfactory one lane drive along the Section Line. Mr. Bradt also spoke of reservations he is not able to make for his business and asked that the extension of their Conditional Use Permit be approved.

Moved by Litzen to approve and amend Condition #9 and delete Condition #10 with eleven (11) conditions. Seconded by Landers.

Conover explained that Condition #10 was added as it is a requirement of the Special Use Permit the applicant has with the Forest Service. The requirement from 1994 is that Jack Dier write a letter to the Planning Commissioners indicating the road meets County Standards. The letter provided to the Planning Commission today said that an experienced contractor could build the road. In 1994, the road was not even built at that time.

Discussion followed regarding Condition #10.

Commissioner Hall asked that the Motion be repeated.

Ervin repeated the Motion to approve and amend Condition #9: “That the Section Line Road be maintained to a minimum of a 12-foot-wide driving surface and in such a condition that a two-wheel drive vehicle is able to drive the roadway, most of the time, from May 15th to November 15th.

Commissioner Litzen clarified that the Motion to approve and amend Condition #9 should state: “That the Section Line Road be maintained to a minimum of a 12-foot-wide driving surface from May 15th to November 15th and to also remove Condition #10. Seconded by Landers.

Moved by Litzen and seconded by Landers to approve of the extension of Conditional Use Permit / CP13-07 with the following eleven (11) conditions:

- 1. That the permitted uses be a dude ranch (recreational resort) which is to include; duplex, ranch hand residence, two bedroom guest quarters, single-family residence and trial riding;**
- 2. The applicant obtain an Operating Permit for the existing onsite wastewater treatment system(s) within 240 days;**
- 3. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, prior to their construction, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 4. That a guest list be continually maintained;**
- 5. That each sleeping room continues to have smoke detectors and each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated and replaced in compliance with manufacturers’ specifications;**
- 6. That the applicant continue to have at least one 2ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure and that they be serviced each year;**
- 7. That one (1) wall sign and one (1) free-standing sign be allowed not to exceed twenty-four (24) square feet in area and that the free-standing sign shall not be located closer than seventeen (17) feet to the nearest street right-of-way line;**
- 8 That the applicant continue to maintain a Sales Tax License and a Bed and Breakfast License from the State of South Dakota;**

9. **That the Section Line Road be maintained to a minimum of a 12-foot-wide driving surface from May 15th to November 15th;**
10. **That the address be clearly posted on the property, at all access points, and for emergency purposes, the address be posted in each guest room;**
11. **That this Conditional Use Permit be reviewed in one (1) year, as deemed necessary by the Board of Commissioners or Planning Commission or upon a complaint basis.**

All voting aye, the Motion carried 6 to 0.

11. DICUSSION OF VIDEO RECORDING OF PLANNING COMMISSION MEETINGS.

(Continued from the November 10, 2014, Planning Commission meeting.)

Conover reviewed the proposed Video Recording Policy for the Planning Commission meeting.

Discussion followed.

Moved by Litzen and seconded by Hall to approve the Video Recording Policy for the Planning Commission.

All voting aye, the Motion carried 6 to 0.

12. DISCUSSION OF MINUTES TO SHOW MOTIONS ONLY.

(Continued from the November 10, 2014, Planning Commission meeting.)

Conover reviewed the implementation of a policy where the Planning Commission meeting minutes will show Motions only in the minutes.

Moved by Hall and seconded by Litzen that the Planning Commission meeting minutes show the Motions only in the minutes.

Commissioner Landers clarified that the meetings can be accessed through YouTube to show the discussions.

Chairman Zvejnieks stated yes.

All voting aye, the Motion carried 6 to 0.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 10th Planning Commission.

14. ITEMS FROM THE PUBLIC

There were items no items from the public.

15. ITEMS FROM THE STAFF

- A. Planner I Position. Conover informed the Planning Commission that they will be reviewing the applicants that had applied when it was initially advertised.
- B. Assistant Planning Director Position. Conover explained that this opening has now closed and the applications will be reviewed.
- C. Environmental Planner Position. Conover introduced TJ (Thomas John) Doerf as the new Environmental Planner and welcomed him to the Planning Department.

16. ITEMS FROM THE MEMBERSHIP

- A. Keystone Pipeline. Commission Davis reviewed a map showing the Keystone Pipe Line and it will come across the middle of the State of South Dakota and the proposed revenues associated with it.
- B. County Highway Superintendent. Mr. Tom Wilsey was at the meeting and introduced himself.

17. ADJOURNMENT

Moved by Hall and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at **11:08 a.m.**

Sig Zvejnieks, Chairperson