

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 10, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

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

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Jeri Ervin, and Patrick Grode (SAO).

Commissioner Zvejnieks explained that the Notice of Hearing letters that were sent for Items #8 and #12 included an error that stated the items will be heard at 10:30 a.m. Items #8 and #12 will be heard at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE MAY 28, 2013, MINUTES
Moved by Hall and seconded by Landers to approve the May 28, 2013, Planning Commission minutes. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Hall to approve the June 10, 2013, Planning Commission Agenda, with the removal of Items #8 and #12. 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 01-18:** Randy and June Guliuzza. To review a Bed and Breakfast as a home occupation in a Low Density Residential District in accordance with Section 207-C-1 of the Pennington County Zoning Ordinance.

Tract 2 of Shelter in the Hills Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 01-18 to the September 9, 2013, Planning Commission meeting.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 04-46:** A & B Ranch, Inc.; Brian Barber - Agent. To review a metal fabrication business as a home occupation in a General Agriculture District in accordance with Sections 204, 205-C-6, and 510 of the Pennington County Zoning Ordinance.

SW1/4 less ROW; S1/2SW1/4NW1/4 less ROW; SW1/4SE1/4NW1/4; SW1/4 SE1/4 SE1/4NW1/4; S1/2SE1/4SE1/4SE1/4NW1/4, Section 9, T2S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 04-46 with the following eleven (11) conditions:

1. **That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director;**
2. **That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use;**
3. **That a maximum of one (1) employee not residing on the premises or employed as a ranch hand may be employed by the home occupation;**
4. **That stock or trade stored outside the enclosed structures located on the property shall be arranged in an organized manner, not to create safety, fire or vermin hazard;**
5. **That the applicant ensures all trucks delivering metal or fabricated tanks are of legal axle weights and obey all seasonal load limits;**
6. **That a minimum of four (4) off-street parking spaces be provided in accordance with Section 310-A-9.t. of the Pennington County Zoning Ordinance. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**
7. **That the applicant maintains the outside area in a weed free manner as to prevent create safety, fire or vermin hazard;**
8. **That the applicant has a minimum of three (3) 20# ABC fire extinguishers and they are to be kept in the area were tank fabrication is being conducted;**
9. **That the applicant have all operations and material associated with the home occupation inside the existing shop structure, utilize flood proofing methods specified in the Flood Damage Prevention Ordinance or obtain a Floodplain Development Permit;**

10. That the home occupation be limited to a metal fabrication business. Any expansion beyond this would require the Conditional Use Permit to be reviewed; and,
11. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to determine if the conditions are being met.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 10-14:** Joyce Olson. To review an accessory structure, garage, without a primary structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-14 with the following seven (7) conditions:

1. That legal access be maintained to the proposed structure at all times and an access easement be dedicated or a new approach be constructed in compliance with an approved Approach Permit, if the subject property is ever sold separately from the adjacent property to the south;
2. That the existing septic system on the subject property be allowed to be utilized in accordance with the Rapid City Public Works Department's approval. If the existing septic system is not utilized, it needs to be properly abandoned in accordance with SDAR § 74:53:01:11 and inspected by the Rapid City Public Works Department;
3. That if the applicant intends to finish any space inside the detached garage, the Building Permit be amended to include the finished space;
4. That the garage and shed be used for personal use only and no commercial-type uses;
5. That the property remains free of debris and junk vehicles at all times;
6. That all natural drainage paths are maintained; and,
7. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 10-20:** Mike and Connie Ryan. To review an accessory structure, a pole barn, without a primary structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Balance of Lot 5 Revised, Braithwaite Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-20 with the following six (6) conditions:

1. **That the lot address continue to be posted in accordance with Ordinance #20 so that it is visible from Siding Lane;**
2. **That the accessory structure be used for personal use only and no commercial-type uses;**
3. **That the property remains free of debris and junk vehicles at all times;**
4. **That all existing easements on the subject property, including the 20-foot-wide private access and utility easement and the 10 foot drainage and utility easements, be respected at all times;**
5. **That if the applicant ever desires to install an on-site wastewater treatment system, an approved On-Site Wastewater Construction be obtained; and,**
6. **That this Conditional Use Permit be reviewed on a complaint basis only.**

Vote: unanimous (7 to 0).

7. **REZONE / RZ 13-10:** U Lazy Two, LLC (Robert Schmitz); Fisk Land Surveying – Agent. To rezone 10.29 acres from General Agriculture District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A portion of Lot 2 (Two) of U Lazy Two Ranch Estates located in the Northeast One-Quarter of the Northwest One-Quarter (NE¹/₄NW¹/₄) and in the North One-Half of the Northeast One-Quarter (N¹/₂NE¹/₄) of Section Twenty Three (23) of Township Two North (T2N), Range Six East (R6E), of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said Lot 2 (Two) of U Lazy Two Ranch Estates located in the Northeast One-Quarter of the Northwest One-Quarter (NE¹/₄NW¹/₄) and in the North One-Half of the Northeast One-Quarter (N¹/₂NE¹/₄) of Section Twenty Three (23) of Township Two North (T2N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota as shown on the plat recorded on December 10, 2008, and filed in Book 35 of Plats on Page 94, said corner being marked by a rebar with survey cap “RW Fisk 6565”; thence, northeasterly on the westerly line of said Lot 2 (Two) of U Lazy Two Ranch Estates

Subdivision and on the easterly right-of-way line of Nemo Road, North 25 degrees 53 minutes 13 seconds East a distance of 9.37 feet more or less to a point of curvature, said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, curving to the left and on the westerly line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision and on the easterly right-of-way line of Nemo Road, on a curve with a radius of 750.00 feet, and delta of 11 degrees 34 minutes 18 seconds, an arc length of 151.47 feet and a chord bearing of North 20 degrees 06 minutes 04 seconds East and chord distance of 151.22 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 90 degrees 00 minutes 00 seconds East a distance of 650.00 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 26 degrees 33 minutes 54 seconds East a distance of 223.61 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 65 degrees 37 minutes 59 seconds East a distance of 505.58 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 83 degrees 38 minutes 54 seconds East a distance of 69.41 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 26 degrees 05 minutes 26 seconds East a distance of 411.99 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 13 degrees 51 minutes 07 seconds East a distance of 53.56 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 16 degrees 45 minutes 15 seconds West a distance of 40.92 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 00 degrees 00 minutes 00 seconds East a distance of 101.16 feet more or less to a point located on the south line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision, said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, westerly on the south line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision, North 89 degrees 30 minutes 02 seconds West a distance of 1,222.73 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, continuing westerly on the south line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision, North 89 degrees 56 minutes 00 seconds West a distance of 295.12 feet more or less to the point of beginning. Said tract of land contains 10.29 acres more or less.

To recommend approval of Rezone / RZ 13-10 to rezone 10.29 acres from General Agriculture District to Limited Agriculture District.

Vote: unanimous (7 to 0).

9. **CONDITIONAL USE PERMIT / CU 13-10:** Bruce and Sandra Rampelberg. To allow for a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

The E1/2N1/2N1/2SE1/4NW1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 13-10 with the following seven (7) conditions:

1. That the maximum overnight occupancy, based on DENR's approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
2. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that a copy of these Licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
3. That a minimum of three (3) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;
4. That an interior informational sign be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR;
5. That the lot address be posted at all times so it is clearly visible from Neck Yoke Road, in accordance with Ordinance #20;
6. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times; and,
7. That this Conditional Use Permit be reviewed in June of 2014 or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

10. COMPREHENSIVE PLAN AMENDMENT / CA 13-04: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land located in the South One-Half of the Northeast One-Quarter of the Southeast One-Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said South One-Half of the Northeast One Quarter of the Southeast One Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South

Dakota, said point being located on a 1/16th section line of said Section Thirty-Five (35) and being marked by a US Forest Service Monument; thence, northerly along the 1/16th section line of said Section Thirty-Five (35), North 00 degrees 09 minutes 00 seconds West, a distance of 260.00 feet more or less to a point marked by a rebar with survey cap RW FISK 6565; thence, South 89 degrees 51 minutes 02 seconds East a distance of 1,282.70 feet more or less to a point located on the westerly line of the section line right-of-way for said Section Thirty-Five (35), said right-of-way being known as Paradise Drive, and said point being marked by a rebar with survey cap RW FISK 6565; thence, southerly on the westerly line of said section line right-of-way and on the westerly line of Paradise Drive right-of-way, South 00 degrees 00 minutes 43 seconds East a distance of 260.00 feet more or less, said point being located on a 1/16th section line and coincident with the northeast corner of Tract 14 of Leisure Hills Estates, and said point being marked by a monument with survey cap LS 2196; thence, westerly on said 1/16th section line and on the north line of said Tract 14 of Leisure Hills Estates, North 89 degrees 53 minutes 45 seconds West a distance of 549.64 feet more or less to the northwest corner of said Tract 14 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 15 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 15 of Leisure Hills Estates, North 89 degrees 43 minutes 18 seconds West a distance of 542.94 feet more or less to the northwest corner of Tract 15 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 21 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 21 of Leisure Hills Estates, South 89 degrees 54 minutes 44 seconds West 189.50 feet more or less to the point of beginning. Said tract of land contains 7.65 acres, more or less.

Jennissen reviewed the Staff Report indicating the applicants have applied to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District. The applicants have already applied for and obtained approval of a Layout Plat application and a Subdivision Regulations Variance. The applicant's Rezone application has been continued to the July 2, 2013, Board of Commissioners' meeting to allow the applicant time to also obtain approval of the Comprehensive Plan Amendment. The Rezone and Comprehensive Plan Amendment must both be approved before the applicants can proceed with further applications.

Staff recommended approval of Comprehensive Plan Amendment / CA 13-04.

Mr. Phil Uecker, adjacent landowner, appeared and spoke of the second means of ingress/egress noted by the applicants, indicating that the emergency access easement is partially located on his property and on another neighbor's property. Mr. Uecker noted that this easement is not maintained by anyone and he further expressed concern with people coming on to his property without permission. He also stated this access easement requires use of a four-wheel drive vehicle to drive on it and he didn't

understand why everyone thinks this easement is considered a second means of ingress/egress.

Jennissen explained that the access easement is traversable, but would only be used in an emergency situation.

Commissioner Zvejnieks responded and stated the intent is not to open the access easement up and allow it to be used as a road. He further indicated the applicants were to show that there is another means of ingress/egress, in order to obtain approval to plat their property which is located on a dead end road system.

Discussion followed.

Ms. Janelle Finck, agent, appeared and clarified with the Planning Commission that the original easement was granted on the plat document in 1986. She also stated the easement is 30 feet in width and she could not find a separate document indicating who will maintain it or other terms and conditions associated with it. Ms. Finck further stated that the applicants were going to speak with the Road District and see if they would be willing to assume temporary maintenance of it in the future.

Mr. Uecker responded and said that this still did not answer his question of who is responsible for maintaining the access easement to make it accessible. He discussed the easement indicating there is 15 feet on it on his property, as well as 15 feet of it located on the neighbor's property, and the part located on the neighbor's property is not viable as there is a structure. Mr. Uecker commented that he did not want 30 feet taken from his property and also did not want people coming onto his property without his permission.

Commissioner Landers asked the applicants if they received notification of the other applications that were submitted.

Mr. Uecker said they are out-of-state in the winter and come back in the summer and do not always get their mail on time. He stated he does not have an issue to rezone the property, just the easement the applicants are stating is a second means of ingress/egress.

Jennissen noted that the Layout Plat does not require notification of the neighbors, but the Rezone does.

Commissioner Landers expressed concern and stated that Mr. Uecker should know who is going to maintain this easement and questioned if this item should be continued until that questioned is resolved.

Commissioner McCollam also spoke of the other access easement that was discussed at previous meetings.

Ms. Finck stated the item before the Planning Commission meeting today is the discussion of the Comprehensive Plan Amendment. She further noted that the applicants' other applications were discussed at length, during their respective meetings, and recommended Mr. Uecker should have been at those meetings to voice his concerns at that time.

Mr. Patrick Grode, Deputy State's Attorney, appeared and stated Mr. Uecker is not responsible for maintaining the easement, but commented that he is looking for answers of who is able to come on to his property and remove trees or gravel located in the easement. Mr. Grode noted that the Planning Commission is not able to give answers on that, they can only make note of the fact that the applicants have provided a second means of ingress/egress.

Discussion followed.

Moved by Coleman and seconded by Hall to approve of Comprehensive Plan Amendment 13-04 to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

All voting aye, the Motion carried 7 to 0.

11. VACATION OF EASEMENT / VE 13-01: Jerry and Michele Sowards. To vacate a portion of the access easements located along the interior of Lots 13, 14, 17, and 18 of Tract A of Sunnyside Acres Subdivision in accordance with the Pennington County Zoning Ordinance.

Lots 13, 14, 17, and 18 of Tract A, Sunnyside Acres Subdivision, Section 25, T2N, R4E, and Section 30, T2N, R5E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicants, Jerry and Michele Sowards, are requesting to vacate portions of the access easements located along the interior of Lots 13, 14, 17, and 18 of Tract A of Sunnyside Acres Subdivision. The dedicated utility easements that are located in the same area as the proposed access easements to be vacated are to remain and are not proposed to be vacated with this request.

Jennissen further explained the applicant intends to vacate the proposed access easements since they are not necessary for providing access to the subject lots. However, a request was recently submitted to the County Board of Commissioners by Mr. David Morrow, who owns property further to the south, to utilize the portion of the 34-foot-wide access easement running along the southwest property lines of Lots 13 and 18, as part of a longer right-of-way in order to provide legal access to his property. It is staff's understanding that the Sunnyside Gulch Homeowner's Association has not granted permission for Mr. Morrow to utilize this portion of the easement, but Mr. Morrow is interested in pursuing approval in the future, in addition to obtaining other easements through neighboring properties and utilizing the Section Line right-of-way. If Mr.

Morrow is granted approval to utilize this portion of the easement along Lots 13 and 18, then staff would not support the applicant's request to vacate this portion of the access easement.

Staff recommended approval of the portion of the applicant's Vacation of Easement request to vacate the access easements located along the interior of Lots 14 and 17, the access easements located along the interior lot lines of Lot 13 and 18, and the access easement located along the exterior (southeast property line) of Lot 18. Staff recommends the portion of the applicant's Vacation of Easement request to vacate the access easement along the exterior (southwest property lines) of Lots 13 and 18 be forwarded to the County Board of Commissioners for their consideration at their June 18th meeting in conjunction with Mr. Morrow's request to utilize this portion of the access easement for right-of-way to his property.

Zeller further clarified that staff is not recommending denial of vacating the access easement for Lots 13 and 18, but thought it best to forward this part to the Board of Commissioners to be heard in conjunction with Mr. Morrow's request to obtain access to his land, which is landlocked to the south.

Jennissen then reviewed with the Planning Commission and the public, the location of Mr. Morrow's property in relation to the applicant's lots.

Mr. Aaron Olson, prospective buyer of Sowards' lots in Sunnyside Acres, appeared and spoke of the proposed application. He indicated that all parties have met and discussed other ways of Mr. Morrow obtaining access. Mr. Olson asked that this item be continued until such time an agreement has been reached with Mr. Morrow and the neighboring landowners.

Moved by Davis and seconded by Hall to postpone Vacation of Easement 13-01 in order for the applicant to work with the neighboring landowners.

All voting aye, the Motion carried 7 to 0

13. CONDITIONAL USE PERMIT REVIEW / CU 09-25: Steve Hobart. To review a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2SW1/4NE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report and also indicated that staff spoke to the applicant and he stated the septic system has not yet been installed nor the home yet occupied. He also indicated that he intends to install the wastewater disposal system in the next year. A review of the Building Permit indicated that it was approved with the intent the applicant also complete a soil profile hole and percolation tests that have yet to be completed.

Staff recommended the review of Conditional Use Permit 09-25 be continued to the July 8, 2013, Planning Commission meeting to allow the applicant time to submit percolation tests and soil profile information.

Moved by Landers and seconded by McCollam to continue the review of Conditional Use Permit 09-25 to the July 8, 2013, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 28, 2013, Planning Commission.

15. ITEMS FROM THE PUBLIC

There were no items from the public.

16. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for May 2013.

17. ITEMS FROM THE MEMBERSHIP

Commissioners Litzen, Coleman, Zvejnieks, and McCollam all noted they would not be at the June 24th Planning Commission meeting.

Commissioner Davis discussed Road Districts and easements.

18. DISCUSSION ITEMS

There were no discussion items.

Planning Commission recessed at 9:57 a.m.

Planning Commission reconvened at 10:30 a.m.

8. CONDITIONAL USE PERMIT / CU 13-12: Donald Johnson. To allow for a single-wide mobile home to be 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 42, Block 4, Green Valley Estates, Section 23, T1N, R5E, BHM, Pennington County, South Dakota.

Commissioner Zvejnieks questioned if the single-wide mobile home is meeting the setbacks from the property line.

Zeller informed the Planning Commission that she did receive a phone call before the meeting from the applicant and he explained that the fence is not on the property line. The applicant remeasured and the single-wide mobile home is actually about 9 feet and 10 inches from the property line, so he is meeting the setback. Zeller further reviewed a photo of the subject property with the Planning Commission to show the fence and location of the mobile home.

Moved by Landers and seconded by Litzen to approve of Conditional Use Permit 13-12 with the following seven (7) conditions:

- 1. That a Building Permit be obtained for the single-wide mobile home immediately following approval of this Conditional Use Permit, in which a penalty fee will be assessed;**
- 2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, including no structures being located within eight (8) feet of the side property lines;**
- 3. That no parking be allowed in the area containing the on-site wastewater treatment system;**
- 4. That the property be kept free of debris and junk vehicles;**
- 5. That the lot address (5285 Greenwood Lane) be posted so it is clearly visible from both directions of travel along Greenwood Lane at all times in accordance with Pennington County's Ordinance #20;**
- 6. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,**
- 7. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.**

All voting aye, the Motion carried 7 to 0.

12. CONDITIONAL USE PERMIT / CU 13-11: Sugar Daddy's / Kerri Johnston. To allow for a RV site on the subject property to be utilized on a part-time basis (weekends) in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot A of SE1/4SW1/4, Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a recreational vehicle (motorhome) to be used as a temporary residence during the summer months on the subject property. The applicant has indicated the RV will be utilized by the applicant as sleeping quarters and will not be a rental space for the traveling public.

Jennissen stated the applicant will be disposing of the waste from the RV either through the company he contracts for the port-a-potties or through the neighboring property's waste disposal system.

Staff recommended approval of Conditional Use Permit 13-11 with the following seven (7) conditions:

1. That the wastewater from the recreational vehicle be properly disposed of at all times;
2. That the recreational vehicle not be utilized more than 180 days a year;
3. That the applicant provide the name of facility handling the waste and the schedule of the pumping that will occur and that pumping receipts be kept by the applicant and made available to the Planning Department, upon request;
4. That if any work is done within Zone A, a Floodplain Development Permit be obtained;
5. That the RV not be located within the Section Line ROW;
6. That a minimum of a 23 parking spaces be provided and be maintained in a dust free manner; and,
7. 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 Zvejnieks asked staff to explain Condition #6.

Jennissen stated the parking spaces are required, since the applicant also operates a restaurant on the subject property.

Commissioner Landers spoke of Condition #3 and wanted to know why the applicant is required to provide pumping receipts.

Jennissen said that this condition only means that the applicant provides receipts, upon request, to show where and when the wastewater is being disposed of.

Commissioner Davis also spoke of Condition #3 and wanted to know what happens if the applicant does not provide records to show where the waste is being dumped, such as it being dumped at an RV dump station or somewhere else.

Commissioner Coleman suggested the applicant provide a third party receipt to show where it is being disposed of.

Mr. Kerri Johnston, applicant, appeared and stated he will be parking the RV in the back of the property, behind the restaurant, during their busy season. It will mainly be used on Friday and Saturday nights and they will also be using the RV to take camping at other times. Mr. Johnston indicated the neighboring property does have a dump station that he can use and he can also provide a letter from them stating he will be using it. Mr. Johnston also spoke of dumping the RV at a dump station when they go camping.

Commissioner Zvejnieks recommended the applicant keep a log, if ever questioned, and he also wanted to know if the RV had ever been parked on the property in the past.

Mr. Johnston responded yes and stated it is now being parked on one of the RV sites on the neighboring property.

Discussion followed.

Moved by Coleman to approve of Conditional Use Permit 13-11.

Commissioner Davis suggested amending the language in Condition #3 to state that the applicant keeps a personal log and be made available upon request.

Commissioner Litzen suggested removing Condition #3, as Condition #1 addresses the waste being properly disposed of.

Motion died for lack of a Second.

SUBSTITUTE MOTION: Moved by Davis to approve of Conditional Use Permit 13-11 and to remove Condition #3. Seconded by Litzen.

Commissioner Coleman discussed the Substitute Motion and expressed concern that the waste needs to be properly disposed of at all times and there needs to be a condition to address it.

Commissioner Zvejnieks suggested adding language to Condition #1 to include that a personal log be maintained by the applicant.

Commissioner Davis stated he did not have a problem with adding this language to Condition #1.

Commissioner Litzen stated she is opposed to adding this language to Condition #1, since the applicant knows how to properly dispose of the waste from the RV.

SUBSTITUTE MOTION: Moved by Davis and seconded by Litzen to approve of Conditional Use Permit 13-11 with the following six (6) conditions:

- 1. That the wastewater from the recreational vehicle be properly disposed of at all times;**
- 2. That the recreational vehicle not be utilized more than 180 days a year;**
- 3. That if any work is done within Zone A, a Floodplain Development Permit be obtained;**
- 4. That the RV not be located within the Section Line ROW;**
- 5. That a minimum of a 23 parking spaces be provided and be maintained in a dust free manner; and,**
- 6. 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.**

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

19. ADJOURNMENT

Moved by Landers and seconded by Litzen to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **10:51 a.m.**

Chairperson, Sig Zvejnieks