

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**March 9, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, Jim Coleman, Bill McCollam, Barbara Landers, and Nancy Trautman.

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 23, 2015, MINUTES  
**Moved by Litzen and seconded by Coleman to approve the minutes of the February 23, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).**

2a. APPROVAL OF THE AGENDA  
**Moved by Landers and seconded by Litzen to approve the Agenda of the March 9, 2015, Planning Commission Meeting and Item #16 will be heard before the approval of the Consent Calendar.**

**Vote: unanimous (6 to 0).**

16. DISCUSSION OF STATEMENTS OF UNDERSTANDING.

Conover explained that the Planning Department has previously included Statements of Understanding in the Conditions of Approval for certain applications and would like approval to continue to do so.

**Moved by Trautman and seconded by McCollam to approve of staff to continue adding Statements of Understanding, as a Condition of Approval, in certain applications that include conditions for approval.**

Discussion followed.

**Vote: unanimous (6 to 0).**

2b. **Moved by Litzen and seconded by Landers to approve the Consent Calendar of the February 23, 2015, Planning Commission Meeting. 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 90-50:** Arthur and Merilee Trucano. To review a single-family residence as a caretaker's residence in a Limited Agriculture District in accordance with Section 510 of the Pennington County Zoning Ordinance.

SW1/4NE1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend to revoke Conditional Use Permit / CU 90-50 with the property owner's concurrence.**

**Vote: unanimous (6 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 96-11:** Donald and Norma Lynde. To review a double-wide manufactured home as a caretaker's residence in a General Agriculture District in accordance with Section 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4, except Lot A, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

**To recommend to continue the review of Conditional Use Permit / CU 96-11 to the April 13, 2015, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

5. **MINING PERMIT / MP 15-01:** Western Construction; Tom Lien – Agent. To excavate, extract and process gravel on a portion of the E1/2 of Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

E1/2 of Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

**To recommend approval of Mining Permit / MP 15-01 with the following fourteen (14) conditions:**

1. **That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #09-880) be continually met;**
2. **That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Department when it is renewed;**
3. **That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge**

**System For Nonmetallic Mineral Processing Plants in South Dakota (SDG05A185) be continually met;**

- 4. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;**
- 5. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed;**
- 6. That any permanent development should be designed so as not to interfere with any future street alignments;**
- 7. That all debris and materials must be secured and contained on site in a manner that prevents a safety hazard to persons, property, and/or equipment on the airport;**
- 8. That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard;**
- 9. That the airport waterline project is not adversely impacted and accommodations made, such as preserving easement rights granted to other entities by not locating equipment and stockpiles over such permanent easements, and not occupying temporary construction easements during the time of initial construction, with the City during construction of the water line;**
- 10. That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;**
- 11. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;**
- 12. That the site shall be re-vegetated as required in Section 507-A(5)(c);**
- 13. That the applicant sign a statement of Understanding within seven (7) days of Permit approval; and,**
- 14. That this Mining Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.**

**Vote: unanimous (6 to 0).**

6. **CONSTRUCTION PERMIT / CP 15-03:** Advanced Engineering and Surveying, Inc. / Hisega Meadows Water. To replace approximately 5,500 linear feet of existing water main in Section 9, T1N, R6E. The project has been split into two phases; this is Phase II of the project.

Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Construction Permit / CP 15-03 with the following twelve (12) 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 (SDR10G540) 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 the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual be followed during construction;**
4. **That street sweeping is done on Wheaton and Hisega Roads as needed to prevent sediment accumulation on roadway;**
5. **That the conditions of approval of the South Dakota Department of Transportation Utility Permit be continually met;**
6. **That the applicant submit a request, in writing, to the Highway Superintendent to extend the date on the Pennington County Permit for Installation or Excavation within the Public Right-of-Ways for Hisega Meadows Water, Inc. and the conditions of this Permit be met during construction;**
7. **That any waste material be removed by the end of the work day and is not to remain in the right of way;**
8. **That waste materials be disposed of according to all local, state, and federal guidelines/rules;**
9. **That access to homes be maintained at all times for emergency vehicles;**
10. **That the disturbed areas be re-vegetated with certified weed free native seed mix and covering with certified mulch/straw in addition to the requirements in Section 507-A(5)(c);**

11. That the applicant sign a Statement of Understanding within seven (7) days of Permit approval; and,
12. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous (6 to 0).**

**7. CONSTRUCTION PERMIT / CP 15-04: Lind Exco. To stockpile dirt.**

Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

**To recommend approval of Construction Permit / CP 15-04 with the following nine (9) conditions:**

1. That an Air Quality Permit be obtained from the City of Rapid City if the disturbance is greater than one (1) acre;
2. That a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be obtained if the disturbance is greater than one (1) acre;
3. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual be followed during construction;
4. That the drainage area to the north/northeast of the construction area be protected and not impacted by the fill material;
5. That the conditions of the Flood Plain Development Permit be continually met;
6. That an Approach Permit be obtained from the City of Rapid City for the construction entrance off of Dyess Avenue;
7. That the site shall be re-vegetated as required in Section 507-A(5)(c);
8. That the applicant sign a Statement of Understanding within seven (7) days of Permit approval; and,
9. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous (6 to 0).**

8. **CONSTRUCTION PERMIT / CP 15-05:** Robert and Shirley Akers. To add fill dirt to a low area on the property.

Lots 2-3, Vaughn Addition, Section 19, T2N, R8E, BHM, Pennington County, South Dakota.

**To recommend approval of Construction Permit / CP 15-05 with the following eight (8) conditions:**

1. **That an Air Quality Permit be obtained from the City of Rapid City if the disturbance is greater than one (1) acre;**
2. **That a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be obtained if the disturbance is greater than one (1) acre;**
3. **That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual be followed during construction;**
4. **That the drainage area to the north/northeast of the construction area be protected and not impacted by the fill material;**
5. **That a temporary Approach Permit be obtained from the County Highway Department for the construction entrance off of Neva Way;**
6. **That the site shall be re-vegetated as required in Section 507-A(5)(c);**
7. **That the applicant sign a Statement of Understanding within seven (7) days of Permit approval; and,**
8. **That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

**Vote: unanimous (6 to 0).**

9. **CONSTRUCTION PERMIT / CP 15-06:** Hart Ranch Development Company. For site grading operations, storm sewer inlet and pipe, and water and sewer service line construction for development of new residential lots to be subdivided along existing Anna Court.

Hart Ranch Golf Course Parcel Less Village On The Green Sub, Less Village On The Green #2 Sub And Less Platted Private Drives (Also In Sec 12 And 13), Section 11, T1S, R7E, BHM, Pennington County, South Dakota.

**To recommend approval of Construction Permit / CP 15-06 with the following eight (8) conditions:**

- 1. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities within sixty (60) days of approval of CP 15-06;**
- 2. 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;**
- 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 4. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual, or equivalent, shall be followed during construction;**
- 5. That if the applicant provides self-contained toilets on-site, that there is one (1) unit per 50 employees and they must meet all State and County regulations, including setbacks;**
- 6. That the site shall be re-vegetated as required in Section 507-A(5)(c);**
- 7. That the applicant sign a Statement of Understanding within seven (7) days of Permit approval; and,**
- 8. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

**Vote: unanimous (6 to 0).**

- 10. 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.

(Continued from the February 23, 2015, Planning Commission meeting.)

**To recommend to continue the Vacation of Plat / PL 14-02 to the March 23, 2015, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

11. **REZONE / RZ 14-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-09:** Gordon and Carmen Abernathie. To rezone 3.5 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use Map from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

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

(Continued from the February 23, 2015, Planning Commission meeting.)

**To recommend to continue Rezone / RZ 14-12 and Comprehensive Plan Amendment / CA 14-09 to the April 13, 2015, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

## **END OF CONSENT CALENDAR**

12. **REZONE / RZ 15-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-01:** Dolores Sjveren; D.C. Scott Surveyors – Agent. To rezone 3.477 acres from Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Mete and Bounds Description: Being 3.477 acres of land consisting of the East 285.96 feet of the West 1013.00 feet of the South 529.63 feet in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 12, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 3.477 acres of land being more particularly described by metes and bounds as follows: COMMENCING, for location purposes only, at the Southwest corner of said Section 12, being at the intersection of Longview Road and Anderson Road, both public highways with right-of-



way widths of 66 feet; Thence, North 89° 59' 20" East, along the South line of Section 12 and centerline of Longview Road, a distance of 727.04 feet to the POINT OF BEGINNING of the herein described tract; Thence, North 00° 05' 20" East, parallel to and 727.04 feet distant from the West line of Section 12 and centerline of Anderson Road, a distance of 529.63 feet to a point for corner; Thence, North 89° 59' 20" East, parallel to and 529.63 feet distant from the South line of Section 12 and centerline of Longview Road, a distance of 285.96 feet to a point for corner; Thence, South 00° 05' 20" West, parallel to and 1013.00 feet distant from the West line of Section 12 and centerline of Anderson Road a distance of 529.63 feet to a point for corner on the South line of Section 12 and centerline of Longview Road; Thence, South 89° 59' 20" West, along the South line of Section 12 and centerline of Longview Road, a distance of 285.96 feet to the POINT OF BEGINNING and containing 3.477 acres (151,453 square feet) more or less, of land.

(Continued from the February 23, 2015, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied to rezone 3.477 acres from Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Low Density Residential District.

Conover further explained the applicant has also applied to subdivide this portion of the subject property through the City of Rapid City, as the property is located in their three-mile platting jurisdiction to create Lot 1 of Victra Subdivision No. 2.

Staff recommended approval of Rezone / RZ 15-01 and Comprehensive Plan Amendment / CA 15-01.

Discussion followed.

**Moved by McCollam and seconded by Landers to approve of Rezone / RZ 15-01 and Comprehensive Plan Amendment / CA 15-01.**

Commissioner Trautman called the Question. Seconded by Coleman.  
Vote on Question. All voted aye, the Motion to call the Question carried 6 to 0.

**Vote on Original Motion to approve.  
All voting aye, the Original Motion to approve carried 6 to 0.**

Mr. Ferebee stated that he is opposed to the Motion to calling the Question.

13. MINOR PLAT / PL 14-37 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-19: George Adrian / Lloyd Hill. To combine three lots to create Chief of the Hills Common Day Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Common Day Lode MS 1654 and All (also in Section 1, T1N, R3E) of Common Day #1 Lode MS 1654 of Section 36, T2N, R3E, and Chief of The Hills MS 159 of Section 1, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Chief of the Hills Common Day Tract, Sections 1 and 32, T1N and T2N, R3E, BHM, Pennington County, South Dakota.

(Continued from the February 9, 2015, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating this item was continued from the February 9, 2015, Planning Commission meeting in order for the applicant to address access to the subject property. Molitor explained that staff received an e-mail from the applicant's surveyor regarding an easement recorded with the Register of Deeds on February 3, 2009. The easement dedicates a 66-foot-wide easement for access and utilities over and across the Servient Properties (includes Chief of Hills Lode Mining Claim), in the general location for the use and benefit of the owners in interest for access to the property. The applicant has indicated, through his surveyor, that the road (easement) was close to 30 feet and had a chipped rock surface and, at this time, no one lives back there year round so no one stays on top of keeping the road open. This easement was routed to the United States Forest Service for Comment on February 18, 2015, and again on March 2, 2015. At the time of the Staff Report, comments had not been received from the Forest Service.

Staff recommended approval of Subdivision Regulations Variance / SV 14-19 to waive the scale of plat be 1 inch = 100 feet, to waive submittal of percolation test results and soil profile information for proposed Chief of the Hills Common Day Tract, to waive submittal of topographical information at five (5) foot contour intervals, to waive Section Line Right-of-Way improvements to Ordinance #14 Standards, and to waive submittal of engineered road construction plans and width and surface requirements, per Ordinance #14 Standards.

Staff recommended approval of Minor Plat / PL 14-37 with the following two (2) conditions:

1. That the road width and surface of the Access Easement (Book 186 Page 1829) be verified by the Pennington County Planning Department prior to filing of the Final Plat with the Register of Deeds; and
2. That the Plat shows access to Chief of the Hills Common Day Tract from the 66-foot-wide Access Easement shown in Plat Book 186 Page 1829 prior to filing the Plat with the Register of Deeds.

Molitor also stated that staff would like to add another condition to the Minor Plat requirements: "That the applicant signs the Statement of Understanding within seven (7) days of approval, which is available at the Planning Office."

Discussion followed.

**Moved by McCollam and seconded by Litzen to approval of Subdivision Regulations Variance / SV 14-19 to waive the scale of plat be 1 inch = 100 feet, to waive submittal of percolation test results and soil profile information for proposed Chief of the Hills Common Day Tract, to waive submittal of topographical information at five (5) foot contour intervals, to waive Section Line Right-of-Way improvements to Ordinance #14 Standards, and to waive submittal of engineered road construction plans and width and surface requirements, per Ordinance #14 Standards.**

**All voting aye, the Motion carried 6 to 0.**

**Moved by McCollam and seconded by Litzen to approve of Minor Plat / PL 14-37 with the following three (3) conditions:**

- 1. That the road width and surface of the Access Easement (Book 186 Page 1829) be verified by the Pennington County Planning Department prior to filing of the Final Plat with the Register of Deeds; and**
- 2. That the Plat shows access to Chief of the Hills Common Day Tract from the 66-foot-wide Access Easement shown in Plat Book 186 Page 1829 prior to filing the Plat with the Register of Deeds; and,**
- 3. That the applicant signs the Statement of Understanding within seven (7) days of approval, which is available at the Planning Office.**

**All voting aye, the Motion carried 6 to 0.**

14. CONSTRUCTION PERMIT / CP 15-01: Cody Schad; Keystone Adventures, Inc. To level an area for a helipad and build a road on the subject property in accordance with Section 507 of the Pennington County Zoning Ordinance.

Unplatted Balance of GL 16 less Right-of-Way; Unplatted Balance of GL 21 less Right-of-Way; Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 23, 2015, Planning Commission meeting.)

Molitor stated this item was continued from the February 23, 2015, Planning Commission meeting in order for the applicant / contractor to address concerns of the Planning Commission, and also for the applicant to file documents with the SD DENR. Since that time, the property owner did meet with the staff and the site has been stabilized and the Notice of Intent has been submitted the SD DENR.

Staff originally recommended denial of Construction Permit / CP 15-01.

If the Planning Commission approves Construction Permit #15-01, staff recommends the following eleven (11) conditions be included as Conditions of Approval:

1. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities within seven (7) days of approval of this Permit;
2. 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;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the applicant notifies Fire Dispatch that they will be working on a particular day, and the approximate hours of operation;
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 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. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
7. That any monuments establishing property boundaries be replaced as necessary;
8. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
9. That the site shall be re-vegetated as required in Section 507-A(5)(c);
10. That the applicant or landowner pay the necessary penalty fees associated with work commencing prior to approval of the Construction Permit; and,
11. That this Construction Permit expires one (1) year 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.

Molitor further stated that staff will be removing Condition #1 and Condition #10, as the applicant / property owner has met those conditions, and approval now with nine (9) conditions.

Commissioner Litzen clarified with staff that they are now recommending approval of the Construction Permit.

Molitor said yes.

Commissioner Landers also asked that a condition be added for the Statement of Understanding.

Molitor noted this and will include this in the Conditions of Approval and the language in Condition #10 be modified to be reviewed in six (6) months, and now approval with ten (10) conditions.

Discussion followed.

**Moved by Litzen and seconded by Trautman to approve of Construction Permit #15-01 with the following ten (10) 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 the applicant notifies Fire Dispatch that they will be working on a particular day, and the approximate hours of operation;**
- 4. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;**
- 5. That 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. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 6. That any monuments establishing property boundaries be replaced as necessary;**
- 7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;**
- 8. That the site shall be re-vegetated as required in Section 507-A(5)(c);**
- 9. That the applicant signs the Statement of Understanding within seven (7) days of approval, which is available at the Planning Office; and,**
- 10. That this Construction Permit be reviewed in six (6) months.**

**All voting aye, the Motion carried 6 to 0.**

15. CONDITIONAL USE PERMIT / CU 14-23: Keystone Adventures, Inc.; Andrew Busse – Agent. To review a golf driving range and helipad in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

The Unplatted Balance of Government Lot 16 less Right-of-Way; and the Unplatted Balance of Government Lot 21 less Right-of-Way, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating this is a review of the applicant's Conditional Use Permit to allow a golf driving range and helipad. Staff has received several complaints regarding the Conditional Use Permit; specifically, the applicant was in violation of Condition #2 and Condition #3 of the Conditions of Approval.

Staff had originally recommended continuing the review of Conditional Use Permit #14-23 to the March 23, 2015, Planning Commission meeting. Staff is now recommending approval to extend the Conditional Use Permit, since the applicant has obtained approval of the Construction Permit and submitted documents to the SD Department of Transportation to show legal access to the site, and to include a condition for the Statement of Understanding.

Staff recommends approval of the extension of Conditional Use Permit / CU 14-23 with the following fourteen (14) conditions:

1. That this Conditional Use Permit allows for a golf driving range and helipad on the subject property with chartered helicopter tours to be operated from the site;
2. That all conditions of Construction Permit #15-01 be continually met;
3. That an On-site Wastewater Construction Permit be obtained for the installation of any on-site wastewater treatment system on the property, and that this Permit be obtained prior to issuance of a Building Permit for any structure containing plumbing;
4. That off-street parking be provided on-site in accordance with the requirements of Section 310 of the Zoning Ordinance for Commercial recreation uses;
5. That the applicant demonstrate compliance with the Federal Aviation Administration (FAA) and the applicant provide a letter from them that he is in compliance;
6. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;

7. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;
8. That access to the helipads be limited to employees and customers escorted by employees;
9. That the comments provided by the U.S. Forest Service be adhered to at all times;
10. That a Sign Permit be obtained prior to the installation of any signs on the property. All new signs must meet the requirements of Section 312 of the Zoning Ordinance;
11. That the property address be clearly visible from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
12. That prior to operation of the helipad, this Conditional Use Permit be reviewed in order for specifics about the operation of the helipad to be determined, including hours of operation, number of flights per hour, etc.;
13. That the applicant signs the Statement of Understanding within seven (7) days of approval, which is available at the Planning Office; and
14. That this Conditional Use Permit be reviewed in one (1) year or, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission and/or Board of Commissioners to verify that all conditions are being met.

Discussion followed.

**Moved by Landers and seconded by Litzen to approve of the extension of Conditional Use Permit / CU 14-23 with the following fourteen (14) conditions:**

- 1. That this Conditional Use Permit allows for a golf driving range and helipad on the subject property with chartered helicopter tours to be operated from the site;**
- 2. That all conditions of Construction Permit #15-01 be continually met;**
- 3. That an On-site Wastewater Construction Permit be obtained for the installation of any on-site wastewater treatment system on the property, and that this Permit be obtained prior to issuance of a Building Permit for any structure containing plumbing;**

4. That off-street parking be provided on-site in accordance with the requirements of Section 310 of the Zoning Ordinance for Commercial recreation uses;
5. That the applicant demonstrate compliance with the Federal Aviation Administration (FAA) and the applicant provide a letter from them that he is in compliance;
6. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;
7. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;
8. That access to the helipads be limited to employees and customers escorted by employees;
9. That the comments provided by the U.S. Forest Service be adhered to at all times;
10. That a Sign Permit be obtained prior to the installation of any signs on the property. All new signs must meet the requirements of Section 312 of the Zoning Ordinance;
11. That the property address be clearly visible from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
12. That prior to operation of the helipad, this Conditional Use Permit be reviewed in order for specifics about the operation of the helipad to be determined, including hours of operation, number of flights per hour, etc.;
13. That the applicant signs the Statement of Understanding within seven (7) days of approval, which is available at the Planning Office; and,
14. That this Conditional Use Permit be reviewed in one (1) year or, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission and/or Board of Commissioners to verify that all conditions are being met.

All voting aye, the Motion carried 6 to 0.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 23, 2015, Planning Commission meeting.



18. ITEMS FROM THE PUBLIC

No action was taken or motions made.

19. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for February 2015.

B. Vacation Home Rental Committee. Conover informed the Planning Commission of the committee members appointed at the March 17, 2015, Board of Commissioners' meeting. He further stated there will be an initial meeting scheduled on March 27<sup>th</sup> from 1:30 p.m. to 3 p.m. in the Planning Department.

20. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

21. ADJOURNMENT

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

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 11:18 a.m.**

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Sig Zvejnieks, Chairperson