

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 23, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Lori Litzen, Jim Coleman, and Nancy Trautman.

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

ROLL CALL

1. APPROVAL OF THE MARCH 9, 2015, MINUTES

Mr. George Ferebee, appeared and spoke of Item #12 from the March 9, 2015, Planning Commission meeting. He further noted that, when someone is speaking on an item and has the floor, there should not be an interruption before calling the question and he would like it also noted in the minutes that he opposed to calling the question for that Motion.

Discussion followed.

Moved by Litzen and seconded by Hall to approve the minutes of the February 23, 2015, Planning Commission Meeting and to change the minutes for Item #12 to reflect that Mr. Ferbee opposed the Motion to calling the question.

Vote: unanimous (5 to 0).

2. APPROVAL OF THE AGENDA

Moved by Hall and seconded by Litzen to approve the Agenda of the March 23, 2015, Planning Commission Meeting and remove Item #5 and Item #9 from the Consent Calendar and to have Item #13 heard before Item #12. Vote: unanimous (5 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 11-02:** Jeff and Cheryl DeVeny. To review an internally, illuminated, on-premise signs within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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

To recommend approval of the extension of Conditional Use Permit / CU 11-02 with the following ten (10) conditions:

- 1. That this Conditional Use Permit only allows for one internally, illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;**
- 2. That access to the site be taken from Highway 385 and not from Penalua Gulch Road;**
- 3. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;**
- 4. That the sign maintain a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a right-of-way;**
- 5. That a Sign Permit be obtained for any on premise signs, which requires a site plan to be reviewed and approved by the Planning Director;**
- 6. That the sign conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;**
- 7. That the sign continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
- 8. That only on premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved via a Zoning Variance waiving the distance to the nearest dwelling unit requirement and this CUP is amended to allow for an off-premise sign;**
- 9. That the applicant sign the Statement of Understanding, which is available at the Planning Department within seven (7) working days from approval of CUP; and,**

10. **That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all conditions of approval are being met.**

Vote: unanimous (5 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-03:** Home Quest, Inc.; Mike Harmon - Agent. To review storage units to be located on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract A of Lot B in the NE1/4NW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 14-03 to the April 13, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

6. **ROAD NAME:** Lumberjack Lane. Bill Baker. To name a 66-foot-wide access easement providing access to properties located in Section 13, T1S, R6E, BHM, Pennington County, South Dakota, to Lumberjack Lane.

To recommend approval of the Road Name of Lumberjack Lane.

Vote: unanimous (5 to 0).

7. **VACATION / RELOCATION OF EASEMENT / VE 15-02:** Ryan and Kristi McFarland. To vacate / relocate a portion of a minor drainage and utility easement along the west property line to bring the single-family residence into compliance in accordance with the Pennington County Zoning Ordinance.

Lot 1, Hisega High Meadows, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Vacation / Relocation of Easement / VE 15-02 with the following two (2) conditions:

- 1 **That all necessary resolutions and exhibits vacating a portion of the easement be recorded by the applicant at the Register of Deed's Office.**
- 2 **That the applicant sign a Statement of Understanding within seven (7) business days of the approval of this Vacation of Easement.**

Vote: unanimous (5 to 0).

8. **CONDITIONAL USE PERMIT / CU 15-03:** Bituminous Paving; Bill Krakowski – Agent. To allow for a portable asphalt batch plant to be set up in the Pete Lien & Son’s gravel pit in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL1-4; PT of GL 5 East of Right-of-Way; and PT NE1/4NW1/4 East of Right-of-Way, Section 17, T1N, R14E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 15-03 with the following thirteen (13) conditions:

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That the applicant obtains a Floodplain Development Permit prior any work being performed and/or structures placed within the 100-year floodplain boundaries;**
3. **That all access to the portable asphalt plant be via the existing approach off of Base Line Road;**
4. **That porta potties (1 per every 50 employees) are provided on-site throughout the operation of the portable asphalt plant;**
5. **That the assigned address (18225 Base Line Road) shall be used for the portable asphalt plant and conspicuously posted in accordance with Pennington County Ordinance #20 and a cell phone shall be present on the site at all times;**
6. **That all debris and construction items be cleaned up and removed from the property upon completion of the two (2) identified paving projects;**
7. **That an Air Quality Permit be obtained from the South Dakota Department of Environment and Natural Resources. A copy of the Air Quality Permit shall be provided to the Planning Department prior to the operation of the portable asphalt plant;**
8. **That erosion control measures and Best Management Practices (BMPs) be implemented and maintained, in accordance with Section 507-A of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual, to prevent sediment from leaving the site and entering the Cheyenne River and/or other drainage ways and waterbodies;**
9. **That the conditions of the Air Quality Permit be continually met;**

10. That a Spill Pollution and Prevention Plan be implemented for the temporary asphalt plant. A copy of the Spill Pollution and Prevention Plan shall be provided to the Planning Department prior to the operation of the portable asphalt plant;
11. That the applicant reclaim disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
12. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-03, which is available at the Planning Office; and,
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to determine that all conditions are being met.

Vote: unanimous (5 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 March 9, 2015, Planning Commission meeting.)

To recommend approval of Vacation of Plat / VP 14-02 with the following three (3) conditions:

1. That, prior to filing with the Register of Deeds, the Petition For Vacation of Plat be corrected according to the comments provided by the Pennington County Register of Deeds;
2. That the resolution for Vacation of Plat be filed with the Register of Deeds; and,
3. That a Statement of Understanding be signed, within seven (7) business days of VP 14-02 being approved.

Vote: unanimous (5 to 0).

11. **PRELIMINARY PLAT / PL 15-04 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-02:** Robert Drew / Mills Family Limited Partnership. To create Tract Dean and Tract Drew of HES #303 and to waive platting requirements in accordance with Section 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract A and B of HES #303 and Government Lot 5, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract Dean and Tract Drew of HES #303, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 15-02 to waive (1) the Scale of Plat to 1 inch = 100 feet, (2) to provide percolation test and soil profile hole information on Proposed Tract Dean, (3) to submit topographical information at five (5) foot contour intervals, and (4) to provide engineered road construction plans for the 66-foot-wide Private Access Easement; and approval of Preliminary Plat / PL 15-04 with the following six (6) conditions:

1. **That Proposed Tract Dean be rezoned to Limited Agriculture District or a Lot Size Variance be obtained prior to recording of the plat at the Register of Deed's Office;**
2. **That the size of the final mylar version of the plat be in accordance with state statute as indicated in the Register of Deed's comments, either 8½" by 14," 11" by 17," or 15" by 26;"**
3. **That at the time of Final Plat submittal, the on-site wastewater treatment system that once served the single-wide mobile home located at 12584 Old Hill City Road (Remainder of H.E.S. 303) be abandoned in accordance with South Dakota Administrative Rule 74:53:01:11;**
4. **That an Approach Permit be acquired for the 66-foot-wide Private Access Easement prior to being constructed and/or prior to issuance of a Building Permit on Proposed Tract Dean;**
5. **That all addresses must be posted so they are viewable from both directions of the north-south 33-foot-wide Private Access Easement in accordance with Pennington County's Ordinance #20; and,**
6. **That the property owner signs a Statement of Understanding within seven (7) business days of Plat approval.**

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

5. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the January 12, 2015, Planning Commission meeting.)

Rausch indicated that this is a review of an existing Planned Unit Development for Cimarron Mobile Home Park.

Staff recommended approval of the extension of Planned Unit Development / PU 06-07 with twenty (20) conditions.

Mr. George Ferebee, a Board of Commissioner for Pennington County, appeared and asked to have this item removed from the Consent Calendar to discuss Conditions #4 and #5 of the Conditions of Approval.

Discussion followed.

Moved by Hall and seconded by Litzen to approve of the extension of Planned Unit Development / PU 06-07, with language changes in Conditions #4 and #5, with the following twenty (20) conditions:

- 1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;**
- 2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);**
- 3. That upon removal of the camper from Lot 127, a camper not be allowed to replace it, and any future homes moved onto the property shall be in compliance with Condition #2;**
- 4. That each mobile home shall have a minimum 20-foot separation between living space;**
- 5. That decks and/or porches be allowed with a Building Permit, as accessory structures to each mobile home;**

6. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
7. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
8. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and be maintained in such a manner that no dust will result from continuous use;
9. That 13 visitor parking spaces are provided. Each space must measure a minimum of nine (9) feet by eighteen (18) feet, be surfaced in gravel, concrete or asphalt and be maintained in a dust free manner;
10. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
11. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
12. That the mobile home park continue to be provided with an on-site management office;
13. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305 of Pennington County's Zoning Ordinance;
14. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
15. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Floodplain Development Permit shall be obtained for any work within the 100-year floodplain;
16. That the storage units be used exclusively for storage and not retail business activities;
17. That each unit has an individual address that must be posted so it is clearly visible in accordance with Pennington County's Ordinance #20;

18. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
19. That the first 100 feet off of Sturgis Road be continually hard surfaced; and,
20. That this PUD be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

All voted aye, the Motion carried 5 to 0.

9. VACATION OF EASEMENT / VE 15-01: Brandon and Lindsey Noble. To vacate a sixty (60) foot Forest Service Access Easement on Lot 67, Block 1 of Canyon Springs Preserve in accordance with the Pennington County Zoning Ordinance.

Lot 67, Block 1, Canyon Springs Preserve, Section 22, T2N, R6E, BHM, Pennington County, South Dakota.

Bolstad asked to have this item removed from the Consent Calendar, per a member of the public.

Bolstad reviewed the Staff Report indicating the applicants have applied to vacate a sixty (60) foot Forest Service Access Easement on Lot 67, Block 1 of Canyon Springs Preserve.

Staff recommended approval of Vacation of Easement / VE 15-01 with the following five (5) conditions:

1. That the resolution for the Vacation of Forest Service Access Easement for Lot 67 of Canyon Springs Preserve be filed at the Register of Deeds;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
3. That a residential fire sprinkler system is approved by the Doty Fire Chief and installed in any single-family residence constructed or placed on the property;
4. That the comments provided by the U.S. Forest Service be adhered to at all times; and,

5. That the applicant signs the Statement of Understanding within seven (7) business days of approval for Vacation of Easement #15-01, which is available at the Planning Office.

Discussion followed.

Moved by Hall and seconded by Coleman to continue the Vacation of Easement / VE 15-01 to the April 27, 2015, Planning Commission meeting in order for information to be received from the Homeowner's Association and Sanitary District in Canyon Springs Preserve, from the U.S. Forest Service and also from the Pennington County Fire Coordinator.

All voting aye, the Motion carried 5 to 0.

13. ROAD NAME: Valkyrie Lane. Kristi and Jeff Hoffman. To name a 40-foot-wide easement providing access to properties located in Sections 12 and 13, T1S, R6E, BHM, Pennington County, South Dakota.

Rausch reviewed the petition for the Road Name of Valkyrie Lane.

Staff recommended denial of the Road Name Petition of Valkyrie Lane.

Discussion followed.

Moved by Trautman and seconded by Hall to deny the Road Name Petition of Valkyrie Lane.

All voting aye, the Motion carried 5 to 0.

12. LAYOUT PLAT / PL 15-05 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-03: David and Sela Nagelhout; Fisk Land Surveying – Agent. To reconfigure lot lines to create Lots 7R and 9R of Deerfield Park Subdivision in accordance with Section 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 7, 8, and 9, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 7R and 9R, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to reconfigure lot lines to create Lots 7R and 9R of Deerfield Park Subdivision and also have applied for a Subdivision Regulations Variance to waive submittal of percolation tests and soil profile holes; to waive submittal of topography at 5 foot contour intervals; and to waive submittal of road improvements (varying surface width) and any other road improvements.

Staff recommended approval of Subdivision Regulations Variance / SV 15-03 to waive submittal of percolation tests and soil profile holes; to waive submittal of topography at 5 foot contour intervals; and to waive submittal of road improvements (varying surface width) and any other road improvements; and also approval of Layout Plat / PL 15-05 with the following ten (10) conditions:

1. That eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained, prior to the Plat being filed with the Register of Deeds;
2. That engineered road construction plans be submitted for the required improvements or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
3. That existing easements for Black Hills Electric Cooperative underground power lines remain valid;
4. That at the time of submittal of the Plat, the applicant submits topography for the area at five (5) foot contour intervals or obtains a Subdivision Regulations Variance waiving this requirement;
5. That prior to the Plat being filed with the Register of Deeds, a street name sign be erected at the intersection of Deerfield Park Court and Deerfield Park Drive in accordance with County Highway Street Sign Standards;
6. That prior to the Plat being filed with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment system on Proposed Lot 7R;
7. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of addresses are meeting Pennington County Ordinance #20 Standards;
8. That at the time of submittal of the Plat, the applicant submits percolations tests and soil profile information to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
9. That the property owners sign Statements of Understanding within seven (7) business days of approval for PL 15-05 and SV 15-03; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Hall and seconded by Litzen to approve of Layout Plat / PL 15-05 with the following ten (10) conditions:

- 1. That eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained, prior to the Plat being filed with the Register of Deeds;**
- 2. That engineered road construction plans be submitted for the required improvements or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;**
- 3. That existing easements for Black Hills Electric Cooperative underground power lines remain valid;**
- 4. That at the time of submittal of the Plat, the applicant submits topography for the area at five (5) foot contour intervals or obtains a Subdivision Regulations Variance waiving this requirement;**
- 5. That prior to the Plat being filed with the Register of Deeds, a street name sign be erected at the intersection of Deerfield Park Court and Deerfield Park Drive in accordance with County Highway Street Sign Standards;**
- 6. That prior to the Plat being filed with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment system on Proposed Lot 7R;**
- 7. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of addresses are meeting Pennington County Ordinance #20 Standards;**
- 8. That at the time of submittal of the Plat, the applicant submits percolations tests and soil profile information to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 9. That the property owners sign Statements of Understanding within seven (7) business days of approval for PL 15-05 and SV 15-03; and,**
- 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

Move by Hall and seconded by Litzen to approve of Subdivision Regulations Variance / SV 15-03 to waive submittal of percolation tests and soil profile holes; to waive submittal of topography at 5 foot contour intervals; and to waive submittal of road improvements (varying surface width) and any other road improvements.

All voting aye, the Motion carried 5 to 0.

14. LAYOUT PLAT / PL 14-38: Donald and Norma Lynde. To create Lots 1 and 2 of Lynde Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4NW1/4, EXCEPT LOT A, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Lynde Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1 and 2 of Lynde Subdivision.

Staff recommended approval of Layout Plat / PL 14-38 with the following twenty (20) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the applicant obtain a Building Permit for the 1998 doublewide mobile home located at 23818 Boulder Hill Road and pay all applicable penalty fees;
3. That at the time of submittal for the Preliminary Plat, the applicant provides a certified survey verifying setbacks of the existing residences on the property;
4. That an approved Setback Variance be obtained to resolve any setback issues, prior to submittal for the Preliminary Plat;
5. That the comments provided by the U.S. Forest Service be adhered to at all times;
6. That at the time of Preliminary Plat submittal, the applicant provide as-built diagrams of the existing on-site wastewater treatment systems for the three (3) residences on the property to the County Environmental Planner, including, but not be limited to, location, tank size, drainfield size, design type, percolation rates, and profile hole information;
7. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Lot 1 to be reviewed and approved by the County Environmental Planner, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;

8. That the Federal Land Policy and Management Act (FLPMA) Private Road Easement be approved by the United States Forest Service prior to filing the Final Plat with the Register of Deeds;
9. That prior to Preliminary Plat submittal, the access road and 66' wide access easement be given a road name approved through the Emergency Services Communication Center;
10. That the three (3) existing residences be properly readdressed upon approval of a road name and the new addresses be posted on the houses and so that they are viewable from the road, in accordance with Pennington County's Ordinance #20;
11. That eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
12. That all existing power lines retain their existing easements and locations;
13. That the applicant obtain an approved Conditional Use Permit to bring the residence addressed as 23818 Boulder Hill Road into compliance, if the Final Plat is not filed with the Register of Deeds;
14. That the property remain free of excess junk and debris;
15. That the access road and 66' wide access easement be continually maintained so as to allow access to all three (3) residences at all times for emergency services;
16. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line rights-of-way, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
17. That at the time of submittal for the Preliminary Plat, the applicant provide engineered road construction plans for the 66' wide access easement, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
18. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;

19. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property; and,
20. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Layout Plat 14-38, which is available at the Planning Office.

Discussion followed.

Moved by Lizten and seconded by Hall to approve of Layout Plat / PL 14-38, with the removal of Conditions #9 and #10, with the following eighteen (18) conditions:

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the applicant obtain a Building Permit for the 1998 doublewide mobile home located at 23818 Boulder Hill Road and pay all applicable penalty fees;**
- 3. That at the time of submittal for the Preliminary Plat, the applicant provides a certified survey verifying setbacks of the existing residences on the property;**
- 4. That an approved Setback Variance be obtained to resolve any setback issues, prior to submittal for the Preliminary Plat;**
- 5. That the comments provided by the U.S. Forest Service be adhered to at all times;**
- 6. That at the time of Preliminary Plat submittal, the applicant provide as-built diagrams of the existing on-site wastewater treatment systems for the three (3) residences on the property to the County Environmental Planner, including, but not be limited to, location, tank size, drainfield size, design type, percolation rates, and profile hole information;**
- 7. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Lot 1 to be reviewed and approved by the County Environmental Planner, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;**
- 8. That the Federal Land Policy and Management Act (FLPMA) Private Road Easement be approved by the United States Forest Service prior to filing the Final Plat with the Register of Deeds;**

9. That eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
10. That all existing power lines retain their existing easements and locations;
11. That the applicant obtain an approved Conditional Use Permit to bring the residence addressed as 23818 Boulder Hill Road into compliance, if the Final Plat is not filed with the Register of Deeds;
12. That the property remain free of excess junk and debris;
13. That the access road and 66' wide access easement be continually maintained so as to allow access to all three (3) residences at all times for emergency services;
14. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line rights-of-way, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
15. That at the time of submittal for the Preliminary Plat, the applicant provide engineered road construction plans for the 66' wide access easement, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
16. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
17. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property; and,
18. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Layout Plat 14-38, which is available at the Planning Office.

All voting aye, the Motion carried 5 to 0.

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

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

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

Fackrell stated this item had been continued from the February 23, 2015, Planning Commission meeting in order for staff to perform more research on the complaint that was received regarding several units being rented out in the condo units.

Staff recommended approval of the extension of Planned Unit Development 02-04 with the following thirteen (13) Conditions:

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

8. That 2 lb. ABC dry chemical fire extinguishers are accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a specialty resort;
10. That the applicants have a Sales Tax License as required by the South Dakota Department of Revenue;
11. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
12. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
13. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commissioner and/or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Planning Commission recessed at 10:55 a.m.

Planning Commission reconvened at 11:00 a.m.

Discussion followed.

Moved by Trautman to amend Condition #9 to change the language from Specialty Resort to Vacation Home Rental and for staff to contact the owner of Unit #7 to verify their intent and licensing. Seconded by Hall.

Staff asked to include a date in the Motion.

SUBSTITUTE MOTION: Moved by Trautman and seconded by Hall to amend Condition #9 to change the language from Specialty Resort to Vacation Home Rental and for staff to contact the owner of Unit #7 to verify their intent and licensing and to continue the review of Planning Unit Development / PU 02-04 to the May 11, 2015, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

16. CONDITIONAL USE PERMIT / CU 13-19: Ken and Cory Tomovick. To review a Recreational Resort to allow for events of 20 people or less and to also review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Bonanza Bar MC 970 and the Unplatted Part of Bonanza Bar MC 970 (also in Section 1), Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

Fackrell reviewed the Staff Report indicating that this is a review of the applicants Conditional Use Permit to allow for a Recreational Resort to allow for events of 20 people or less and to also review the applicants Vacation Home Rental Conditional Use Permit.

Fackrell further explained that the applicants changed the property owner's name on record, for the Vacation Home Rental, with the Pennington County Register of Deeds from Ken Tomovick and Alice P. Tomovick to Stratobowl Vacation Homes, LLC. Fackrell stated that, prior to the name change a transfer of the Vacation Home Rental Conditional Use Permit was needed, according to Section 319-C-6 of the Pennington County Zoning Ordinance. Section 319-C-6-e states that failure to transfer the Vacation Home Rental Conditional Use Permit, prior to the finalization of the transfer or sale of the property, will automatically result in revocation of the VHR Conditional Use Permit.

Staff recommended ending the Vacation Home Rental portion of this Conditional Use Permit. The applicants/owners are aware of this action and have reapplied for a VHR Conditional Use Permit under Stratobowl Vacation Homes, LLC.

Staff recommended approving the extension of Conditional Use Permit 13-19 to allow a Recreational Resort to allow for events of twenty (20) people or less with the following seventeen (17) conditions:

1. That the Conditional Use Permit be for receptions with a maximum of 20 guests;
2. That the business be conducted by members of the family residing on the premises and no more than one (1) additional person;
3. That prior to any work within the 100 year floodplain, the applicant obtain approval of a Floodplain Development Permit;
4. That the applicant provides reliable cell phone service in case of an emergency;
5. That the address of the property be posted at the driveway and at the reception area in case of an emergency;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all guests in case there is a need to evacuate guests from the property in the

event of an emergency and that a copy of said plan be kept on file at the Planning Department;

7. That a minimum of 10 parking spaces continually be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
9. That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;
10. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
11. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That the applicant maintain all necessary permits from the South Dakota Department of Health for the Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
13. That a port-a-potty may be utilized by the guests of the events for wastewater disposal. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit;
16. That the applicant sign a Statement of Understanding within seven (7) business days, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

Discussion followed.

Moved by Litzen and seconded by Hall to end the Vacation Home Rental portion of Conditional Use Permit 13-19; and approval of the portion of the applicants Conditional Use Permit 13-19 to allow a Recreational Resort to allow for events of 20 people or less with the following seventeen (17) conditions:

- 1. That the Conditional Use Permit be for receptions with a maximum of 20 guests;**
- 2. That the business be conducted by members of the family residing on the premises and no more than one (1) additional person;**
- 3. That prior to any work within the 100 year floodplain, the applicant obtain approval of a Floodplain Development Permit;**
- 4. That the applicant provides reliable cell phone service in case of an emergency;**
- 5. That the address of the property be posted at the driveway and at the reception area in case of an emergency;**
- 6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 7. That a minimum of 10 parking spaces continually be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 8. That all music being provided for outdoor activities be shut down by 10:00 p.m.;**
- 9. That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;**
- 10. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;**
- 11. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;**
- 12. That the applicant maintain all necessary permits from the South Dakota Department of Health for the Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;**

13. That a port-a-potty may be utilized by the guests of the events for wastewater disposal. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit;
16. That the applicant sign a Statement of Understanding within seven (7) business days, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

All voting aye, the Motion carried 5 to 0.

Moved by Litzen and seconded by Hall to support the applicant's request to waive the application costs for the Vacation Home Rental Conditional Use Permit.

All voting aye, the Motion carried 5 to 0.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 9, 2015, Planning Commission meeting.

18. ITEMS FROM THE PUBLIC

There were no motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

There were no items from staff.

20. ITEMS FROM THE MEMBERSHIP

Commissioner Litzen stated she will not be at the May 11th Planning Commission meeting.

21. ADJOURNMENT

Moved by Litzen and seconded by Hall to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 11:39 a.m.

Sig Zvejnieks, Chairperson