

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**April 13, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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 23, 2015, MINUTES  
**Moved by Hall and seconded by Litzen to approve the minutes of the March 23, 2015, Planning Commission Meeting, with a change to the Conditions of Approval for Item #5 (PUD Review 06-07 for Rapid City MHP, LLC).**
  4. **That each mobile home shall have a minimum 20-foot separation between living spaces;**
  5. **That decks and/or porches be allowed with a Building Permit, as accessory structures to each mobile home and are not considered living spaces unless they are enclosed and have roofs;**

**Vote: unanimous (7 to 0).**

2. APPROVAL OF THE AGENDA  
**Moved by Hall and seconded by McCollam to approve the Agenda of the April 13, 2015, Planning Commission Meeting and remove Item #5 from the Consent Calendar and to have Item #13 heard before Item #9. 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 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.

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

**To recommend approval of the extension of Conditional Use Permit / CU 14-03 with the following eight (8) 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 ensures that all natural drainage ways must be maintained and are not blocked;**
- 3. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environment and Natural Resources;**
- 4. That the address and a sign be posted indicating after hours contact information and with owner phone number, which must be clearly visible at the entrance of the lot;**
- 5. That all lighting located on the outside of the storage units be directed towards the ground;**
- 6. That the applicant be allowed to construct up to five (5) separate storage structures on the property. Minor changes may be allowed per the Planning Director, as long as they do not change the intent of the lot or use;**
- 7. That the applicant signs a new Statement of Understanding within seven (7) business days of the extension of Conditional Use Permit #14-03, which is available at the Planning Office; and,**
- 8. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis, or as deemed necessary by either the Board of Commissioners or the Planning Commission to verify that all conditions of approval are being met.**

**Vote: unanimous (7 to 0).**

- 4. CONDITIONAL USE PERMIT REVIEW / CU 14-05: John and Lorraine Buhler – Black Pine Distillery. To review a home occupation to distill alcohol spirits located in an outbuilding on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.**

Lot 8 of Lot A of SW1/4SW1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

**To recommend ending Conditional Use Permit / CU 14-05 with the applicants' concurrence.**

**Vote: unanimous (7 to 0).**

6. **CONDITIONAL USE PERMIT REVIEW / CU 13-03:** Philip and Colleen Hunter. To review accessory structures (wood shed and a greenhouse) without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 6 of Engberg Subdivision, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

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

**To recommend ending Conditional Use Permit / CU 13-03 with the applicants' concurrence.**

**Vote: unanimous (7 to 0).**

7. **ROAD NAME:** Osprey Trail. Jim Scull. To name a 66-foot-wide private access easement providing access to properties located in Section 27, T1S, R5E, BHM, Pennington County, South Dakota, to Osprey Trail.

**To recommend approval of the Road Name of Osprey Trail.**

**Vote: unanimous (7 to 0).**

8. **CONSTRUCTION PERMIT / CP 15-07:** Shane Schriener. To grade and stockpile dirt for a construction project located inside the City Limits of Hill City.

That PT of GL24 Lying S of HWY 16 Less Lots 3,4 and 5 of Mewonitoc Lode Sub, Less Lot 4 Bar Placer MS 824, Less Lot 1R, 4, 5 of Matkins Addn #6 and Less ROW, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Construction Permit / CP 15-07 with the following seven (7) conditions:**

1. **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;**

2. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual be followed during construction;
3. That the roadway ditch along Old Hill City Road be protected (i.e. wattles);
4. That tracking controls be implemented at the entrance/exit of construction site and any material tracked onto Old Hill City Road be removed daily;
5. That the site shall be re-vegetated, using a native seed mix and certified weed free mulch/straw, per requirements of Section 507-A(5)(c);
6. That the applicant sign a Statement of Understanding within seven (7) days of Permit approval; and,
7. 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 (7 to 0).**

#### **END OF CONSENT CALENDAR**

5. CONDITIONAL USE PERMIT REVIEW / CU 14-11: Leonard Kjerstad. To review a family cemetery on the subject property in a General Agriculture District in accordance with Sections 205, 307, and 510 of the Pennington County Zoning Ordinance.

All, Section 11, T1N, R17E, BHM, Pennington County, South Dakota.

Staff asked to have this item removed from the Consent Calendar for discussion purposes.

Conover reviewed the Staff Report indicating this is a review of the applicant's Conditional Use Permit to allow a family cemetery on the subject property.

Staff originally recommended approval with the following three (3) conditions.

1. That the cemetery conforms to all regulations in Section 307 of the Pennington County Zoning Ordinance;
2. That the applicant complies with South Dakota Codified Law 34-27, which regulates Cemeteries and Burial Records; and,

3. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission to verify compliance with the above-mentioned conditions of approval.

Conover further stated staff is now recommending to remove the language “in one (1) year” from Condition #3, and the Conditional Use Permit will be reviewed on a complaint basis only.

**Moved by Landers and seconded by Hall to approve of the extension of Conditional Use Permit / CU 14-11 with the following three conditions:**

1. That the cemetery conforms to all regulations in Section 307 of the Pennington County Zoning Ordinance;
2. That the applicant complies with South Dakota Codified Law 34-27, which regulates Cemeteries and Burial Records; and,
3. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Planning Commission to verify compliance with the above-mentioned conditions of approval.

**All voting aye, the Motion carried 7 to 0.**

13. CONDITIONAL USE PERMIT / CU 15-04: Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick – Agent. To allow for 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, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicants have reapplied for a Conditional Use Permit to allow a Vacation Home Rental in a General Agriculture District.

Staff recommended approval of Conditional Use Permit #15-04 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people;
2. That the applicant provide a landline in case of an emergency;
3. That if any additions to the structure and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that

the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;

4. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;
5. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operating of the Vacation Home Rental;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight 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 the minimum of two (2) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That an interior information sign be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operating of the residence as a VHR;
9. That the lot address be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;
11. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
12. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
13. That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;

15. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-04, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Discussion followed.

**Moved by Coleman and seconded by Litzen to approve of Conditional Use Permit / CU 15-04 with the following sixteen (16) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people;**
- 2. That the applicant provide a landline in case of an emergency;**
- 3. That if any additions to the structure and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 4. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;**
- 5. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operating of the Vacation Home Rental;**
- 6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight 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 the minimum of two (2) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 8. That an interior information sign be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operating of the residence as a VHR;**

9. That the lot address be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;
11. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
12. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
13. That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-04, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

**All voting aye, the Motion carried 7 to 0.**

9. CONSTRUCTION PERMIT (ROAD DISTRICT) / CP 15-08: Dan and Nancy Evangelisto (Summer Creek Road District). To install a culvert on the north end of Summer Creek Drive, improve portions of Siskin Loop and Carbon Loop and grade and maintain other existing roads within the District.

Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Construction Permit, through the Road District, to install a culvert on the north end of Summer Creek Drive, improve portions of Siskin Loop and Carbon Loop and grade and maintain other existing roads within the District.



Staff recommended continuing Construction Permit 15-08 to the May 11, 2015, Planning Commission meeting to address the construction within the Section Line Right-of-Way between Sections 22 and 23 (Siskin Loop).

If the Planning Commission approves Construction Permit 15-08, staff recommends the following thirteen (13) conditions:

1. That an approved Construction within a Section Line Right of Way Permit be approved by the Pennington County Board of Commissioners for a portion of Siskin Loop within 60 days of approval of Construction Permit #15-08;
2. That the applicant removes the material on National Forest System lands as required by the United States Forest Service and all ground disturbed areas located on National Forest System lands will need to be seeded with an approved seed mix;
3. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained;
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 stormwater flows do not increase from the construction activity that will impact neighboring properties;
9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
10. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;
11. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;

12. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval; and,
13. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission or on a complaint basis.

Discussion followed.

Moved by Buskerud and seconded by Hall to continue Construction Permit 15-08 (Road District) to the May 26, 2015, Planning Commission meeting.

**SUBSTITUTE MOTION: Moved by Buskerud and seconded by Hall to continue Construction Permit 15-08 (Road District) to the May 11, 2015, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

10. CONSTRUCTION PERMIT / CP 15-09: Dan and Nancy Evangelisto (Summer Creek Inn). To grade and level an area of a hillside in order to construct a building (Lots 10, 11, 12, 13 and 15); to stockpile material at another location (Lot 27) of the property; and to level and grade an area for an overflow parking lot (Lot 45).

Lots 10, 11, 12, 13 and 15; Lot 27; and Lot 45 of Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Construction Permit in order to grade and level an area of a hillside in order to construct a building (Lots 10, 11, 12, 13 and 15); to stockpile material at another location (Lot 27) of the property; and to level and grade an area for an overflow parking lot (Lot 45).

Staff recommended continuing Construction Permit 15-09 to the May 11, 2015, Planning Commission meeting to address the Construction within the Section Line Right-of-Way between Sections 22 and 23 (Siskin Loop).

If the Planning Commission approves Construction Permit #15-09, staff recommends the following twelve (12) conditions:

1. That an approved Construction within a Section Line Right-of-Way Permit be approved by the Pennington County Board of Commissioners for a portion of Siskin Loop within 60 days of approval of Construction Permit #15-09;
2. That the applicant removes the material on National Forest System lands as required by the United States Forest Service and all ground disturbed areas located on National Forest System lands will need to be seeded with an approved seed mix;

3. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained;
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 stormwater flows do not increase from the construction activity that will impact neighboring properties;
9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
10. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
11. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval; and,
12. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission or on a complaint basis.

Discussion followed.

**Moved by Landers and seconded by Hall to continue Construction Permit 15-09 to the May 11, 2015, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

Planning Commission recessed at 10:51 a.m.

Planning Commission reconvened at 10:59 a.m.

11. 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.

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

Bolstad reviewed the Staff Report indicating this is a review of the applicants' Conditional Use Permit to allow a double-wide manufactured home as a caretaker's residence.

Staff is requesting guidance from the Planning Commission on how to proceed with Conditional Use Permit #96-11, due to the fact that the caretaker's residence is still needed, yet violation(s) are present on the property. In addition, access is not approved and may be delayed until 2016 or later.

Discussion followed.

**Moved by Hall and seconded by Litzen to approve of the extension of Conditional Use Permit 96-11 with the following nine (9) conditions:**

- 1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That the mobile home have wood, hardboard or simulated wood siding;**
- 3. That the mobile home has a wood or asphalt shingled roof;**
- 4. That the mobile home be removed at such time that the family member no longer needs assistance;**
- 5. That the property remains clear of unlicensed or inoperable vehicles and debris;**
- 6. That a Building Permit for the mobile addressed as 23818 Boulder Hill Road be applied for no later June 18, 2015, and that the applicant pay all applicable fees and penalties;**
- 7. That the applicant sign a Statement of Understanding that fees will not be contested for the Building Permit applied for, for 23818 Boulder Hill Road;**

8. **That the Final Plat to create Lots 1 and 2 of Lynde Subdivision be submitted to the Register of Deeds no later than two (2) years following the approval of the extension of Conditional Use Permit 96-11; and,**
9. **That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.**

**All voting aye, the Motion carried 7 to 0.**

12. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 15-01: High Country Guest Ranch; John Majchrzak – Agent. To amend the existing High Country Guest Ranch PUD to reduce the setback from 25 feet to 5 feet to allow for any future structure and to allow more ATV rentals in accordance with Section 213-E-1 of the Pennington County Zoning Ordinance.

Lot 10, Lot 12, and Lot A in High Country Ranch Subdivision and Tract A Less Highway Country Ranch Subdivision and Less Right-of-Way, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to amend the existing High Country Guest Ranch PUD to reduce the setback from 25 feet to 5 feet to allow for any future structure and to allow more ATV rentals.

Staff had originally recommended approval with twenty-nine (29) conditions, but now is recommending this item be continued to the April 27, 2015, Planning Commission meeting in order for notification to be sent to the property owners within the entire Planned Unit Development.

**Moved by Landers and seconded by Buskerud to continue Major Planned Unit Development Amendment / PU 15-01 to the April 27, 2015, Planning Commission meeting in order for notification to be sent to the property owners within the entire Planned Unit Development.**

**All voting aye, the Motion carried 7 to 0.**

14. CONDITIONAL USE PERMIT / CU 15-05: Beach House, LLC / Troy Schmidt. To allow for a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A-9 Revised, Palmer Gulch Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Vacation Home Rental in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 15-05 with the following twelve (12) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
4. That a minimum of three (3) off-street parking spaces be provided on-site, each measuring a minimum of nine feet (9) by eighteen feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
5. That an interior informational sign be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the residence as a VHR;
6. That the lot address be posted at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;
7. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
8. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
9. That if the person designated as the Local Contact is ever changed from Lesia McLaughlin, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;

11. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-05, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Discussion followed.

**Moved by Litzen and seconded by Hall to approve of Conditional Use Permit / CU 15-05 with the following twelve (12) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;**
- 2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 4. That a minimum of three (3) off-street parking spaces be provided on-site, each measuring a minimum of nine feet (9) by eighteen feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
- 5. That an interior informational sign be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the residence as a VHR;**
- 6. That the lot address be posted at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;**
- 7. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;**
- 8. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;**

9. That if the person designated as the Local Contact is ever changed from Lesia McLaughlin, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-05, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

All voting aye, the Motion carried 7 to 0.

15. 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 March 9, 2015, Planning Commission meeting.)

Conover explained that the applicants are withdrawing their Rezone and Comprehensive Plan Amendment applications, as they obtained approval of Variance 15-05 to create a 1.3 acre lot and a 2.07 acre lot in a Low Density Residential District; thus, the two applications are no longer needed.

Staff recommended approval of the withdrawal of Rezone / RZ 14-12 and Comprehensive Plan Amendment / CA 14-09.

**Moved by Hall and seconded by Coleman to approve of the withdrawal of Rezone / RZ 14-12 and Comprehensive Plan Amendment / CA 14-09.**

All voting aye, the Motion carried 7 to 0.



16. REZONE / RZ 15-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-04: Victor Fuhrmann. To rezone 0.69 acre from Highway Service District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Highway Service District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 2 of Tract B, Gillespie Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Hensley reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment to rezone from Highway Service to General Commercial District.

Staff recommended approval of Rezone / RZ 15-04 and Comprehensive Plan Amendment / CA 15-04.

Discussion followed.

**Moved by Buskerud and seconded by Hall to approve of Rezone / RZ 15-04 and Comprehensive Plan Amendment / CA 15-04.**

**All voting aye, the Motion carried 7 to 0.**

17. REZONE / RZ 15-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-02: Mitch Morris. To rezone 151.36 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 151.36 acres of land located in the E1/2 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 151.36 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the southwest corner of Lot 1 of the SW1/4 SE1/4 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, on the south line of Section 32 at the intersection of the east right-of-way line of South Dakota Highway 79; Thence, North 06°32'53" West, along the west line of said Lot 1 of the SW1/4 SE1/4 of Section 32 and east right-of-way line of SD Highway 79, a distance of 4310.98 feet to a point on the easterly line of Lot A of the NW1/4 NE1/4 of Section 32 as shown on plat recorded in Highway Plat Book 9, Page 93, in the office of the Pennington County Register of Deeds, in a curve from which the center of curvature bears North 48°17'34" West a distance of 103.00 feet; Thence, southwesterly, following the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the right having a radius of 103.00 feet, a central angle of 35°53', for an arc distance of 64.51 feet to a point of tangency; Thence, South 77°35'27" West, continuing to follow the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, a

distance of 4.12 feet to a point for corner on the east right-of-way line of SD Highway 79, in a curve from which the center of curvature bears South 73°13'38" West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of 00°29'02", for an arc length of 33.11 feet to point for corner on the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32; Thence, North 77°35'27" East, following the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 6.78 feet to a point of curvature; Thence, northeasterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 70.00 feet, a central angle of 84°05'03", for an arc length of 102.73 feet to a point of tangency; Thence, North 06°29'36" West, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 606.16 feet to a point of curvature; Thence, northwesterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 1432.39 feet, a central angle of 05°45'52", for an arc length of 144.11 feet to point for corner on the west line of the E1/2 of Section 32; Thence, North 00°01'24" East, along the west line of the E1/2 of Section 32, a distance of 206.71 feet to the northwest corner of the E1/2 of Section 32; Thence, South 89°48'35" East, along the north line of the E1/2 of Section 32, a distance of 2656.84 feet to the northeast corner of Section 32; Thence, South 00°04'45" West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North 89°48'35" West, parallel to and 500 feet distant from the north line of the E1/2 of Section 32, a distance of 1514.54 feet to a point for corner; Thence, South 06°22'35" East, a distance of 4844.00 feet to a point for corner on the south line of the E1/2 of Section 32; Thence, North 89°36'35" West, along the south line of the E1/2 of Section 32, a distance of 1088.72 feet to the POINT OF BEGINNING and containing 151.36 acres, more or less, of land.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 151.36 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District

Staff recommended to continue Rezone 15-02 and Comprehensive Plan Amendment 15-02 to the earliest possible Planning Commission meeting, following written verification by the Pennington County Ordinance Officer that all violations, per Ordinance 106, are cleared; the contractor's equipment storage yard has been removed prior to rezoning the subject property; and comments from SDDOT have been received by the Planning Department.

Discussion followed.

**Moved by Coleman and seconded by Landers to continue Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the April 27, 2015, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

18. REZONE / RZ 15-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-03: Mitch Morris. To rezone 424.42 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4; NE1/4SW1/4; NW1/4SW1/4; NW1/4SE1/4; SW1/4SW1/4, SW1/4SE1/4; SE1/4 SE1/4; NE1/4SE1/4; SE1/4NE1/4 in Section 33 and Lot 2 of the SW1/4NW1/4 and Lot 2 of the W1/2SW1/4 in Section 34, all located in T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 424.42 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District

Staff recommended to continue Rezone 15-03 and Comprehensive Plan Amendment 15-03 to the earliest possible Planning Commission meeting, following the receipt of written comments from the SDDOT for RZ 15-03 and CA 15-03.

Discussion followed.

Commissioner Buskerud left the meeting.

**Moved by Landers and seconded by Coleman to continue Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03 to the April 27, 2015, Planning Commission meeting.**

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

19. COUNTY BOARD REPORT

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

20. ITEMS FROM THE PUBLIC

There were no items from the public.

Commissioner Buskerud returned to the meeting.

21. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for March 2015.

- B. Vacation Home Rental Committee. Conover provided an update and stated the Chair is Charlie Johnson, Vice Chair is Rita Chapman, and the Secretary is Jim Peterson. The Planning Department has also installed a link for the VHR Committee where agendas and minutes will be posted. The next meeting is scheduled for Thursday, April 16<sup>th</sup> at 3 p.m.

22. ITEMS FROM THE MEMBERSHIP

Commissioner Landers also spoke of the VH Rental Committee and reviewed the discussions that were held at the first meeting.

Chairman Zvejnieks spoke of researching the submittal date in order for the Planning Commission packets and Staff Reports to be mailed out earlier than the Thursday prior to the scheduled meeting.

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

23. ADJOURNMENT

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

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 12:14 p.m.**

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Sig Zvejnieks, Chairperson