

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**May 26, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE MAY 11, 2015, MINUTES  
**Moved by Litzen and seconded by Hall to approve the minutes of the May 11, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).**

2. APPROVAL OF THE AGENDA  
**Moved by McCollam and seconded by Litzen to approve the Agenda of the May 26, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).**

**Moved by Litzen and seconded by Hall to approve the Consent Calendar of the May 26, 2015, Planning Commission Meeting, with the removal of Item #7. 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 98-07:** Steve Hobart. To review the manufacture of calving barns as a home occupation in a General Agriculture District in accordance with Section 510 of the Pennington County Zoning Ordinance.

The W1/2 SW1/4 NE1/4 and the W1/2 NW1/4 SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 98-07 with the following ten (10) conditions:**

1. **That the manufacturing of the portable calving barns continue to be located entirely within the 3,200 square foot barn;**

2. That the home occupation continue to be conducted entirely within the barn with no outside storage;
3. That the applicant continue to be adheres to all State regulations regarding the transporting of wide loads and that an escort vehicle be required for all trips;
4. That the manufacturing of the portable calving barns continue to be between the hours of 8:00 a.m. and 8:00 p.m.;
5. That the home occupation continue to be conducted by members of the family residing on the premises and no more than one (1) additional person;
6. That a minimum of six (6) off-street parking spaces continue to be provided and that each parking space shall not be less than one hundred sixty two square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
7. That all waste (i.e., scrap steel, waste water) generated by the home occupation continue to be recycled or disposed of in an environmentally safe manner and that all required permits be obtained regarding the proper treatment of waste material;
8. That a minimum of one (1) 20lb ABC fire extinguisher or a minimum of two (2) 7lb fire extinguishers continue to be located within the barn as requested by the Pennington County Fire Coordinator;
9. That no exterior sign(s) be allowed identifying the home occupation; and,
10. That this Conditional Use Permit be reviewed 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 (6 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 08-48:** Spring Creek Premier Property/Cody Schad. Pat Hall - Owner. To review accessory structures (garage and pump house) without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 08-48 with the following nine (9) conditions:**

1. That the address assigned to the property be properly posted on both the structure and the approach off of Twisted Pine Trails in accordance with Pennington County's Ordinance #20;
2. That a new Building Permit be obtained prior to the construction of the garage;
3. 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;
4. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations;
5. That proper setbacks be maintained for all structures located on the property or else an approved Setback Variance be obtained;
6. That the garage be used for personal use only and no commercial-type uses;
7. That the property remains free of debris and junk vehicles;
8. That if construction activity has not been commenced in two (2), this Conditional Use Permit will be terminated; and,
9. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis to verify that all conditions of approval are being met.

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

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-06:** Dakota Thyme, LLC; Julie Smoragiewicz – Agent. To review a Recreational Resort to allow up to 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The S1/2S1/2NE1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 14-06 the following with twenty (20) conditions:**

1. That Conditional Use Permit #14-06 is to consist of ten (10) seasonal cabins, manager's residence, maintenance shop and a kitchen;
2. That the minimum number of required parking spaces be determined and approved by the Planning Director depending upon the number of cabins. All off-street parking shall be in accordance with Section 310 of the

**Pennington County Zoning Ordinance which requires one parking space per guest bedroom and two parking spaces for every three employees;**

- 3. That the property addresses be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County's Ordinance #20;**
- 4. That the operation of the Recreational Resort not interfere with the functioning or maintenance of Cosmos Road or Highway 16;**
- 5. That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;**
- 6. That the property remains free of debris and junk vehicles and the property, itself, and all structures be well-maintained;**
- 7. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;**
- 8. That the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;**
- 9. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;**
- 10. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;**
- 11. That the applicant maintains an 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 a copy of said plan be kept on file at the Pennington County Planning Department;**
- 12. That the proposed interior graveled private driveway leading to the residence, at a minimum, be ten (10) feet-wide and have a sign on it to indicate that it is a private driveway;**

13. That the interior access roads leading to the cabins consist of, at a minimum, a 16-foot-wide graveled driving surface to accommodate two-way traffic;
14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
16. That portable fire extinguishers with a minimum 2 A-BC ratings be placed on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
17. That the physical address for the residence be posted in each building on the subject property;
18. That prior to further development above and beyond: 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen, the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from US 16 onto Cosmos Road;
19. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
20. 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 all the above-mentioned Conditions of Approval.

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

6. **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 May 11, 2015, Planning Commission meeting.)

**To recommend to continue the review of Planned Unit Development / PU 02-04 to the June 22, 2015, Planning Commission meeting.**

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

8. **MINOR PLAT / PL 15-12 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-06:** Rolland and Laura Willard; Davis Engineering – Agent. To create Lots 12R Revised and Lot 13 of Forest View Addition and to waive platting requirements in

accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 12R and unplatted portion of SE1/4 of SE1/4 of Section 28 and the SW1/4 of SW1/4 of Section 27, all in T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 12R Revised and Lot 13 of Forest View Subdivision, Sections 28 and 27, T2N, R5E, BHM, Pennington County, South Dakota.

**To recommend to continue Minor Plat / PL 15-12 and Subdivision Regulations Variance / SV 15-06 to the June 8, 2015, Planning Commission meeting.**

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

**9. REZONE / RZ 15-06 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-06:**

Rolland and Laura Willard; Davis Engineering – Agent. To rezone 2.5 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

(For a portion of Lot 12R Revised) Commencing at the SW corner of Lot 12R, in Forest View Subdivision, a 1" pipe, and the point of beginning. Thence, first course: S34°45'22"E, a distance of 283.89' to a 1" pipe, and the northwesterly corner of Lot 6, in said subdivision; Thence, second course: N49°22'41"E, along the northwesterly lot line of said Lot 6, a distance of 112.16' to a 1" pipe, also being the northeasterly corner of said Lot 6 and the northwesterly corner of Lot 5 in said subdivision; Thence, third course: N48°01'31"E, along the northwesterly lot line of said Lot 5, a distance of 99.32' to a 12" diameter pine tree, also being the northeasterly corner of said lot 5; Thence, fourth course: N46°14'32"W, along a previously dedicated right-of-way for said subdivision, a distance of 203.08' to a 1" pipe, also being the southeast corner of said Lot 12R; Thence, fifth course: S75°00'00"W, along the southerly lot line of said Lot 12R, a distance of 180.27', to the point of beginning; Said Parcel contains 45,474 square feet or 1.044 acres more or less.

(For Lot 13) Commencing at a 1" pipe, also being the southeast corner of Lot 12R, in said Forest View Subdivision, which is the point of beginning. Thence, first course: N43°45'28"E, across a private road, a distance of 40.12', to a survey cap marked "Davis Eng. RLS 3095", which is the true point of beginning; Thence, second course: along a curve to the right, along said private road R.O.W., with a radius of 80.12", a delta angle of 100°43'31", a length of 140.85', a chord bearing of S8°07'29"W, and a chord distance of 123.40', to a survey cap marked "Davis Eng. RLS 3095"; Thence, third course: S70°09'26"E, a distance of 346.40' to a survey cap marked "Davis Eng. RLS 3095"; Thence, fourth course: S51°54'52"W along said private road R.O.W., a distance of 36.55', to a survey cap marked "Davis Eng. RLS 3095"; Thence, fifth course: S15°10'13"W, along said private road R.O.W., a distance of 155.72', to a survey cap marked "Davis

Eng. RLS 3095"; Thence, sixth course: along a curve to the right, along said private road R.O.W., with a radius of 45.72', a delta angle of 125°19'08", a length of 95.10', a chord bearing of N74°27'50"E, and a chord distance of 78.86', to a survey cap marked "Davis Eng. RLS 3095", Thence, seventh course: N46°14'32"W, along said private road R.O.W., a distance of 273.83', to the true point of beginning; Said Parcel contains 61,758 square feet or 1.42 acres more or less.

**To recommend to continue Rezone / RZ 15-06 and Comprehensive Plan Amendment / CA 15-06 to the June 8, 2015, Planning Commission meeting.**

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

## **END OF CONSENT CALENDAR**

7. MINOR PLAT / PL 15-10: Gordon and Carmen Abernathie; Fisk Land Surveying – Agent. To create Lots C1 and C2 of W-M Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lot C1 and Lot C2 of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Commissioner Hall asked to have this item removed from the Consent Calendar.

Conover reviewed the Staff Report indicating the applicants have applied for a Minor Plat to create Lots C1 and C2 of W-M Subdivision.

Staff recommended approval of Minor Plat / PL 15-10 with the following one (1) condition:

1. That at the time a Building Permit is applied for, for Proposed Lot C2, an address will be assigned and said lot address shall be posted so that it is clearly visible at all times in accordance with Pennington County's Ordinance #20.

Discussion followed.

**Moved by Hall and seconded by Litzen to approve of Minor Plat / PL 15-10 with the following one (1) condition:**

1. **That at the time a Building Permit is applied for, for Proposed Lot C2, an address will be assigned and said lot address shall be posted so that it is**

**clearly visible at all times in accordance with Pennington County's Ordinance #20.**

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

10. 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.

Rausch reviewed the Staff Report indicating that this item is being reviewed again to clarify Condition #4 and Condition #5 of the Conditions of Approval.

Staff recommended approval of the extension of Planned Unit Development Review / PU 06-07 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 the mobile homes 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;
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.

Discussion followed.

Moved by Hall and seconded by McCollam to approve of Planned Unit Development Review / PU 06-07 with a modification to the language in Condition #5.

Discussion followed regarding the language in Condition #7.

**SUBSTITUTE MOTION: Moved by Ferebee and seconded by Litzen to continue the review of Planned Unit Development / PU 06-07 to the June 22, 2015, Planning Commission meeting in order for staff to address the concern of the Planning Commission regarding the language in Condition #7 and in order for staff to contact the new owner of the subject property.**

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

11. MINOR PLAT / PL 15-11 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-05: William and Nancy Ewing; Davis Engineering – Agent. To create Lots AR and BR of Ewing Addition and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A and Lot B of Ewing Addition, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot AR and Lot BR of Ewing Addition, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating that the applicant have applied for a Minor Plat and Subdivision Regulations Variance to create Lots AR and BR of Ewing Addition and to waive platting requirements.

Staff recommended approval of a portion of Subdivision Regulations Variance / SV 15-05 to waive the following requirements: Road improvements to Forest Road, including a 24-foot-wide paved driving surface, with curbs and sidewalks; dedication of a 66-foot-wide access easement across Proposed Lot AR providing access to proposed Lot BR; Road improvements for the access easement across proposed Lot AR providing access to Proposed Lot BR, including a 24-foot-wide paved driving surface, with curbs and sidewalks; and waive submittal of engineered road construction plans for all required road improvements.

Staff recommended denial of the portion of Subdivision Regulations Variance / SV 15-05 to waive the following requirement:

1. Dedication of additional Right-of-Way for Forest Road, including a 66-foot-wide Right-of-Way.

Staff recommended approval of Minor Plat / PL 15-11 with the following twelve (12) conditions:

1. That the access easement across Proposed Lot AR providing access to Proposed Lot BR be identified on the Plat, prior to being filed at the Register of Deeds;

2. That the access easement providing access to Proposed Lot BR be dedicated as a 66-foot-wide access easement, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
3. That the access easement providing access to Proposed Lot BR be improved to include a 24-foot-wide paved driving surface, with curbs and sidewalks, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
4. That the Right-of-Way along Forest Road and the dedicated Right-of-Way shall both be dimensioned on the Plat, prior to being filed with the Register of Deeds;
5. That Forest Road be improved to a 24-foot-wide paved driving surface, with curbs and sidewalks, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
6. That additional Right-of-Way be dedicated for Forest Road, including a 66-foot-wide Right-of-Way, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
7. That engineered road construction plans be submitted for all required road improvements, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
8. That the Plat heading be corrected to read “Formerly: Lot A and Lot B of Ewing Addition”, per comments from the Register of Deeds;
9. That an approved Floodplain Development Permit be obtained prior to construction or placement of any structure(s) within the designated 100-year floodplain or floodway;
10. 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;
11. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Rapid Creek; and,
12. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-11 and Subdivision Regulations Variance / SV 15-05, which is available at the Planning Office.

Discussion followed.

**Moved by Hall and seconded by Litzen to approve of a portion of Subdivision Regulations Variance / SV 15-05 to waive the following requirements: road improvements to Forest Road, including a 24-foot-wide paved driving surface, with**

**curbs and sidewalks; dedication of a 66-foot-wide access easement across Proposed Lot AR providing access to proposed Lot BR; Road improvements for the access easement across proposed Lot AR providing access to proposed Lot BR, including a 24-foot-wide paved driving surface, with curbs and sidewalks; and waive submittal of engineered road construction plans for all required road improvements; and denial of the portion of Subdivision Regulations Variance / SV 15-05 to waive dedication of additional Right-of-Way for Forest Road, including a 66-foot-wide Right-of-Way.**

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

Discussion followed on the Minor Plat.

**Moved by Hall and seconded by Litzen to approve of Minor Plat / PL 15-11 with the following thirteen (13) conditions:**

- 1. That the access easement across Proposed Lot AR providing access to Proposed Lot BR be identified on the Plat, prior to being filed at the Register of Deeds;**
- 2. That the access easement providing access to Proposed Lot BR be dedicated as a 66-foot-wide access easement, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;**
- 3. That the access easement providing access to Proposed Lot BR be improved to include a 24-foot-wide paved driving surface, with curbs and sidewalks, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;**
- 4 That if Subdivision Regulations Variance is approved waiving the required 24-foot-wide paved driving surface for the access easement, that the access easement be a 40-foot-wide access easement with a 22-foot-wide paved driving surface;**
- 5. That the Right-of-Way along Forest Road and the dedicated Right-of-Way shall both be dimensioned on the Plat, prior to being filed with the Register of Deeds;**
- 6. That Forest Road be improved to a 24-foot-wide paved driving surface, with curbs and sidewalks, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;**
- 7. That additional Right-of-Way be dedicated for Forest Road, including a 66-foot-wide Right-of-Way, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;**

8. That engineered road construction plans be submitted for all required road improvements, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
9. That the Plat heading be corrected to read “Formerly: Lot A and Lot B of Ewing Addition”, per comments from the Register of Deeds;
10. That an approved Floodplain Development Permit be obtained prior to construction or placement of any structure(s) within the designated 100-year floodplain or floodway;
11. 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;
12. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Rapid Creek; and,
13. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-11 and Subdivision Regulations Variance / SV 15-05, which is available at the Planning Office.

All voting aye, the Motion carried 6 to 0.

12. CONDITIONAL USE PERMIT / CU 15-11: Neil and Terry Foust. To allow the use of an existing residence, as a temporary residence, while building a new single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1R (also in Section 7), Block 3, Paha Sapa High Country Tract 2, Section 18, T2N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow the use of an existing residence, as a temporary residence, while building a new single-family residence.

Staff recommended approval of Conditional Use Permit / CU 15-11 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 address be clearly posted on the new residence and road, so as to be visible from both directions on Nemo Road, in accordance with Pennington County’s Ordinance #20;

3. That upon completion of the new single-family residence, the range is removed from the current residence, so as to remove the living quarters and convert the residence back to a shop only;
4. That the applicant notify the Planning Department when the new single-family residence is complete and allow staff to verify that the living quarters have been removed from the shop;
5. That the comments provided by the U.S. Forest Service be adhered to at all times;
6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;
7. That the applicant sign a Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-11, which is available at the Planning Office; and,
8. 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 the Pennington County Planning Commission to verify that all conditions of approval are being met.

Discussion followed.

**Moved by McCollam and seconded by Landers to approve of Conditional Use Permit / CU 15-11 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 address be clearly posted on the new residence and road, so as to be visible from both directions on Nemo Road, in accordance with Pennington County's Ordinance #20;**
- 3. That upon completion of the new single-family residence, the range is removed from the current residence, so as to remove the living quarters and convert the residence back to a shop only;**
- 4. That the applicant notify the Planning Department when the new single-family residence is complete and allow staff to verify that the living quarters have been removed from the shop;**
- 5. That the comments provided by the U.S. Forest Service be adhered to at all times;**
- 6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;**

7. **That the applicant sign a Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-11, which is available at the Planning Office; and,**
8. **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 the Pennington County Planning Commission to verify that all conditions of approval are being met.**

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

13. CONDITIONAL USE PERMIT / CU 15-10: Krebs Partnership, LLC.; Donald Krebs. To allow a home occupation on the subject property in which no immediate family member resides, to use a detached garage for the purpose of buying, repairing and selling vehicles (not intended to be a car lot) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The South 75 feet of Lot J of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit allow a home occupation on the subject property in which no immediate family member resides, to use a detached garage for the purpose of buying, repairing and selling vehicles (not intended to be a car lot).

Staff recommended denial of Conditional Use Permit 15-10, as staff believes it will set a precedent and allow for more Home Occupations to be operated by owners who do not reside on the premises.

If the Planning Commission chooses to approve Conditional Use Permit 15-10, staff recommends the following fifteen (15) conditions be included:

1. That the proposed Home Occupation be located entirely within the 48' x 56' Detached Garage (BP 02-0930) and that the residential character of the property be maintained;
2. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Section 312-A-12 of the Pennington County Zoning Ordinance, and that a Sign Permit be obtained prior to installation;
3. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Local, State, and Federal requirements;
4. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request;

5. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
6. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
7. That an address be assigned for the 48' x 56' Detached Garage (BP 02-0930) and the addresses for the property be properly posted in accordance with Pennington County's Ordinance #20;
8. That this Home Occupation not negatively impact Conditional Use Permit 98-12;
9. That upon sale or transfer of the subject property and/or the property the applicant currently resides on, CU 15-10 will automatically be revoked;
10. That there is no more than one (1) additional employee, excluding family members;
11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;
12. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
13. That the property remain free of debris and junk vehicles;
14. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-10, which is available at the Planning Office; and,
15. 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 verify that all conditions of approval are being met.

**Moved by McCollam and seconded by Hall to approve of Conditional Use Permit / CU 15-10 with the following fifteen (15) conditions:**

- 1. That the proposed Home Occupation be located entirely within the 48' x 56' Detached Garage (BP 02-0930) and that the residential character of the property be maintained;**
- 2. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Section 312-A-12 of the Pennington County Zoning Ordinance, and that a Sign Permit be obtained prior to installation;**



3. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Local, State, and Federal requirements;
4. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request;
5. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
6. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
7. That an address be assigned for the 48' x 56' Detached Garage (BP 02-0930) and the addresses for the property be properly posted in accordance with Pennington County's Ordinance #20;
8. That this Home Occupation not negatively impact Conditional Use Permit 98-12;
9. That upon sale or transfer of the subject property and/or the property the applicant currently resides on, CU 15-10 will automatically be revoked;
10. That there is no more than one (1) additional employee, excluding family members;
11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;
12. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
13. That the property remain free of debris and junk vehicles;
14. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-10, which is available at the Planning Office; and,
15. 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 verify that all conditions of approval are being met.

All voting aye, the Motion carried 6 to 0.

14. 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.

(Continued from the May 11, 2015, Planning Commission meeting.)

Conover reviewed the Staff Report indicating this item had been continued from the May 11, 2015, Planning Commission meeting. Staff has been to the site and the applicant is actively working on cleaning up the subject property.

Staff recommended to continue Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the June 8, 2015, Planning Commission meeting.

Discussion followed.

**Moved by Hall and seconded by McCollman to continue Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the June 8, 2015, Planning Commission meeting.**

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

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 27, 2015, Planning Commission meeting, with the exception of Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03 (Mitch Morris). These two items were continued to the June 2, 2015, Board of Commissioners' meeting.

16. ITEMS FROM THE PUBLIC

There were no items from the public.

17. ITEMS FROM THE STAFF

A. Section 319 – Vacation Home Rental – Review Committee. Commissioner Landers provided the Planning Commission and public a brief update on the meeting held on Thursday, May 21st.

B. Pennington County Comprehensive Plan. Conover informed the Planning Commission that the Planning Department will address updating the Comprehensive Plan with the upcoming budget session and will place this item on the June 8<sup>th</sup> Planning Commission meeting for discussion.

18. ITEMS FROM THE MEMBERSHIP

A. Commissioner Litzen clarified the December 2015 meeting dates. The Planning Commission will meet on December 7, 2015 at 9 a.m. and on December 21, 2015 at a time that is to be decided at a later date.

B. Commissioner Ferebee spoke of Planning Commission meetings and items being sent out earlier to applicants/agents.

C. Commissioner Ferebee spoke of a joint plan between the City and the County for jurisdictional purposes.

19. ADJOURNMENT

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

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

**The meeting adjourned at 10:18 a.m.**

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Sig Zvejnieks, Chairperson