

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, Lori Litzen, William McCollam, Barbara Landers, and Deb Hadcock.

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

ROLL CALL

1. APPROVAL OF THE OCTOBER 26, 2015, MINUTES
Moved by Zvejnieks and seconded by Litzen to approve the minutes of the October 26, 2015, Planning Commission Meeting. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by Litzen and seconded by Hall to approve the Agenda of the November 9, 2015, Planning Commission Meeting, with Item #19 to be heard first on the Regular Agenda. Vote: unanimous (7 to 0).

Moved by Zvejnieks and seconded by McCollam to approve the Consent Calendar of the November 9, 2015, Planning Commission Meeting. 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 91-59:** Melissa Ehrhardt. To review a single-wide mobile home as a single-family residence in a Suburban Residential District in accordance with Section 208-C-19 of the Pennington County Zoning Ordinance.

Tract C of Lot 6, Berger Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

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

To approve of the extension of Conditional Use Permit / CU 91-59 with the following three (3) 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 property continue to be kept clear of debris and inoperable automobiles; and,
3. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 92-54:** Gerhard and Elizabeth Heck. To review a single-wide mobile home to be used as a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot B-3 of Lot B of Lot 1, Section 19, T1N, R9E, BHM, Pennington County, South Dakota.

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

To continue the review of Conditional Use Permit / CU 92-54 to the April 11, 2016, Planning Commission meeting.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 10-37:** Kolin and Michele Sperle; Chuck Taylor – Agent. To review an accessory structure, a caboose, in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C-15, Wolframite Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota

To approve of the extension of Conditional Use Permit / CU 10-37 with the following six (6) conditions:

1. That the lot address continues to be properly posted in accordance with Pennington County's Ordinance #20 so it is clearly visible at the intersection of the driveway with Wolframite Road;
2. That the caboose continue to be utilized as a studio/workshop only and shall contain no residential living quarters. If the applicant chooses to reside within the caboose, a new Conditional Use Permit shall be obtained and the Building Permit shall be amended;

3. That the caboose continue to be used for personal use only. No commercial activity shall be permitted;
4. That the property remains free of debris and junk vehicles;
5. That a Building Permit for a single-family residence be applied for within one (1) year or the Conditional Use Permit be amended to use the caboose as a primary residence; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Pennington County Planning Commission or County Board of Commissioners.

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 13-23:** Todd Sime. To review accessory buildings without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 7 of Tract C, Hook J Subdivision, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 13-23 with the following nine (9) conditions:

1. That the existing approach off of Derby Lane continue to be utilized and no new approaches be created;
2. That if the applicant chooses to install any type of plumbing within either pole barn, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations;
3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
4. That the accessory structures continue to be used for personal-use only and no commercial-type uses;
5. That the property continue to remain free of debris and junks;
6. That all natural drainage paths be continually maintained;
7. That the address continue to be posted so it is clearly visible from Derby Lane in accordance with Pennington County's Ordinance #20;

8. That prior to any work being conducted within the 100-year floodplain boundaries, at a minimum, a Floodplain Development Permit be obtained; and,
9. That this Conditional Use Permit be reviewed in five (5) years, on 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 (7 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 14-25:** Jeff DeVeny. To review two storage units to be located on the subject property in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-25 with the following eleven (11) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That two (2) storage buildings be allowed on the subject property not to exceed 50' x 100' and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;
4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;

7. That any additional construction within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
8. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
9. 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 Environmental and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,
11. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 14-30:** Cherie Farlee. To review a single-wide manufactured home to be used as a caretaker's residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

The NE1/4SW1/4 less RC Airport #4 and less Right-of-Way, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the October 26, 2015, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 14-30 with the following five (5) conditions:

1. That the addresses for both the single-family residence and the caretaker's residence continue to be posted on each residence in accordance with Ordinance #20 and so that they are visible from Hidden Springs Road;
2. That the caretaker's residence be removed from the property once care is no longer needed for Roderick Hall;

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 the property continue to be kept free of junk and debris; and,
5. That this Conditional Use Permit be reviewed in three (3) years, on 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 (7 to 0).

9. **CONDITIONAL USE PERMIT REVIEW / CU 15-20:** Mitch Morris. To allow for Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the September 28, 2015, Planning Commission meeting.)

To continue Conditional Use Permit / CU 15-20 to the November 23, 2015, Planning Commission meeting with four (4) conditions.

1. That the applicant contact staff to schedule a meeting on the subject property to view the items the applicant believes are Construction Equipment and Construction Supplies; said meeting is to take place prior to or on November 13, 2015, or Notices of Violation will be sent to the applicant;
2. If additional continuations of CU 15-20 are necessitated by the applicant, each continuation will be subject to Section 511-X;
3. That the applicant pay the required continuation fee prior to the scheduled meeting mentioned in Condition #1;
4. If the meeting with staff is not held and/or the fee per Section 511-X not paid prior to or on November 13, 2015, staff will, at the November 23, 2015, Planning Commission meeting recommend that Conditional Use Permit be denied without prejudice. If the applicant wishes to reapply, he will be subject to the applicable fees.

Vote: unanimous (7 to 0).

10. **CONDITIONAL USE PERMIT / CU 15-30:** Peaceful Valley Hideaway, LLC (William and Valerie Landis); Arlyn Dyce - Agent. To allow for an existing residence to be used as a Multi-Family Dwelling in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 15-30 with the following seven (7) conditions:

1. **That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;**
2. **That the property be kept free of debris and junk vehicles;**
3. **That the address be clearly posted on the residence and so it is visible from Bogus Jim Road in accordance with Pennington County's Ordinance #20;**
4. **That smoke alarms and fire extinguishers be installed and/or properly maintained in working order in each unit;**
5. **That if the applicant submits a VHR Conditional Use Permit and it is approved, Conditional Use Permit / CU 15-30 must end prior to the applicant using the property as a VHR;**
6. **That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,**
7. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

Vote: unanimous (7 to 0).

11. **CONDITIONAL USE PERMIT / CU 15-31:** Kelly and Lana Jensen. To live in an existing residence while building a new single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot N Revised (Formerly Lot N and Lot 1 of H), Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 15-31 with the following nine (9) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, 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, once it is finished, and at the driveway entrance, so as to be visible from both directions of Big Bend 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 existing residence back to a shop and/or storage use 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 and/or storage building;
5. That the applicant provide information that both buildings, without Building Permits, were built prior to 1994, and therefore, do not need a Building Permit, or the applicant applies for Building Permits for both structures with all applicable fees paid;
6. That the applicant obtains a Demolition Permit for the carport that was removed prior to building the new single-family residence;
7. That the property be kept free of debris and junk vehicles;
8. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit #15-31, which is available at the Planning Office; and,
9. 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.

Vote: unanimous (7 to 0).

12. **CONDITIONAL USE PERMIT / CU 15-34:** Robert and Sheila Maclachlan. To allow for a family cemetery on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Government Lot 4 (NW1/4NW1/4), Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 15-34 with the following five (5) conditions:

- 1. That the cemetery conforms to all regulations in Section 307 of the Pennington County Zoning Ordinance;**
- 2. That the cemetery and the applicant complies with South Dakota Codified Law 34-27, which regulates Cemeteries and Burial Records;**
- 3. That the applicant file a location map of the family cemetery with the Register of Deeds upon approval by the Planning Commission;**
- 4. That sealed concrete vaults are used; and,**
- 5. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous (7 to 0).

- 13. CONDITIONAL USE PERMIT / CU 15-35: Black Hills Raptor Center; Davis Engineering - Agent. To allow a bird education and health facility on a portion of the subject property located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.**

A portion of the SW1/4 of the SW1/4 of Section 15, T2S, R7E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 15-35 to the December 7, 2015, Planning Commission meeting.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

- 19. DISCUSSION OF LANGUAGE USED IN SECTION 511-A-8.**

Conover spoke of the language for Building Permits in Section 511-A-8 of the Zoning Ordinance.

Discussion followed.

14. CONDITIONAL USE PERMIT / CU 15-32: Pam Troxel. 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 B of NW1/4NE1/4 and 1/2 Vac Rd Adj to said Lot, Section 16, T1N, R6E, 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 15-32 with the following seventeen (17) 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, which will be verified by the Planning Department;
- 3 That if any additions to the structure and/or if 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 a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
- 5 That an On-site Wastewater Construction Permit be obtained for any upgrades or changes to the existing on-site wastewater treatment system;
- 6 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;
- 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 Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department respectively, during operation of the VHR;

9. That the interior information sign be corrected to state that the maximum overnight occupancy is four (4) persons and the maximum daytime occupancy is six (6) persons;
10. That the existing driveway remains gravel so as the inlet, outlet, and pumping access ports for the septic tank are accessible;
11. That the lot address be posted at all times so it is clearly visible from Hisega Drive, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensure the VHR is operating in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
13. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
14. That if the person designed as the Local Contact is ever changed from Pam Troxel, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet;
15. 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;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-32, 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 Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by McCollam and seconded by Zvejnieks to approve of Conditional Use Permit / CU 15-32 with the following seventeen (17) 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, which will be verified by the Planning Department;**

3. That if any additions to the structure and/or if 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 a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That an On-site Wastewater Construction Permit be obtained for any upgrades or changes to the existing on-site wastewater treatment system;
6. 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;
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 Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department respectively, during operation of the VHR;
9. That the interior information sign be corrected to state that the maximum overnight occupancy is four (4) persons and the maximum daytime occupancy is six (6) persons;
10. That the existing driveway remains gravel so as the inlet, outlet, and pumping access ports for the septic tank are accessible;
11. That the lot address be posted at all times so it is clearly visible from Hisega Drive, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensure the VHR is operating in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
13. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;

14. That if the person designed as the Local Contact is ever changed from Pam Troxel, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet;
15. 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;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-32, 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 Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

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

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

(Continued from the September 28, 2015, Planning Commission meeting.)

Molitor stated this is a review of the applicant's Construction Permit to build a helipad and build a road on the subject property.

Staff recommended to continue the review of Construction Permit / CP 15-01 to the December 7, 2015, Planning Commission meeting to allow the applicant and landowner time to come into compliance with the SD Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities.

Discussion followed.

Moved by Landers and seconded by Litzen to continue the review of Construction Permit / CP 15-01 to the December 7, 2015, Planning Commission meeting to allow the applicant and landowner time to come into compliance with the SD Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities.

All voting aye, the Motion carried 7 to 0.

16. MINOR PLAT / PL 15-27 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-14: JerrDonn, LLC / Gerald and Donna Grover. To create Lots 2A and 2B of Strato-Rim Estates and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2, Strato Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2A and 2B, of Strato Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Minor Plat to create Lots 2A and 2B of Strato-Rim Estates and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 15-14 to waive submittal of the following: 1. Dedication of eight (8) foot Minor Drainage and Utility Easements along the interior of all lot lines; and, 2. Percolations tests and soil profile holes; and, approval of Minor Plat / PL 15-27 with the following ten (10) conditions:

1. That prior to filing the Plat with the Register of Deeds, 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 waiving this requirement;
2. That prior to filing the Plat with the Register of Deeds, the applicant submits percolations tests and soil profile information to be reviewed and approved by the Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the applicant submits topography for the area at five (5) foot contour intervals, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That prior to filing the Final Plat with the Register of Deeds, proposed Lot 2B be rezoned or the applicant obtain an approved Conditional Use Permit to allow the existing single-family residence in a Highway Service District;
6. That prior to filing the Plat with the Register of Deeds, the applicant provide a certified survey verifying setbacks of the existing structures on both proposed Lot 2A and Lot 2B;
7. That an approved Setback Variance be obtained to resolve any setback issues, prior to filing the Plat with the Register of Deeds;

8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That prior to filing the Plat with the Register of Deeds, the applicant obtain approval from the Pennington County Board of Commissioners to allow two (2) accesses to Proposed Lot 2A; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-27 and Subdivision Regulations Variance / SV 15-14, which is available at the Planning Office.

Discussion followed.

Moved by McCollam and seconded by Litzen to approve of Subdivision Regulations Variance / SV 15-14 to waive submittal of the following: 1. Dedication of eight (8) foot Minor Drainage and Utility Easements along the interior of all lot lines; and, 2. Percolations tests and soil profile holes.

All voting aye, the Motion carried 7 to 0.

Discussion further followed.

Moved by Zvejnieks and seconded by McCollam to approve of Minor Plat / PL 15-27 with the following ten (10) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, 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 waiving this requirement;**
- 2. That prior to filing the Plat with the Register of Deeds, the applicant submits percolations tests and soil profile information to be reviewed and approved by the Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That prior to filing the Plat with the Register of Deeds, the applicant submits topography for the area at five (5) foot contour intervals, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**

5. That prior to filing the Final Plat with the Register of Deeds, proposed Lot 2B be rezoned or the applicant obtain an approved Conditional Use Permit to allow the existing single-family residence in a Highway Service District;
6. That prior to filing the Plat with the Register of Deeds, the applicant provide a certified survey verifying setbacks of the existing structures on both proposed Lot 2A and Lot 2B;
7. That an approved Setback Variance be obtained to resolve any setback issues, prior to filing the Plat with the Register of Deeds;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That prior to filing the Plat with the Register of Deeds, the applicant obtain approval from the Pennington County Board of Commissioners to allow two (2) accesses to Proposed Lot 2A; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-27 and Subdivision Regulations Variance / SV 15-14, which is available at the Planning Office.

All voting aye, the Motion carried 7 to 0

17. CONDITIONAL USE PERMIT / CU 15-33: JerrDonn, LLC / Gerald and Donna Grover. To allow an existing single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Strato Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an existing single-family residence to remain in a Highway Service District.

Staff recommended approval of Conditional Use Permit / CU 15-33 with the following seven (7) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the minimum setback requirements of a Highway Service District be continually maintained on the property, or the appropriate Variance(s) be obtained;

3. That the subject property remains free of debris and junk vehicles;
4. That the applicant obtain an easement from the Gas Station and RV Service Business to use the existing access to U.S. Highway 16 and file the easement with the Register of Deeds. No additional access points from the subject property to S. Highway 16 will be permitted, per the South Dakota Department of Transportation;
5. That the applicant provide a certified survey verifying setbacks of the existing structures and obtain an approved Setback Variance to resolve any setback issues;
6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-33, which is available at the Planning Office; and,
7. That this Conditional Use Permit be reviewed in one (1) year, on 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.

Discussion followed.

Moved by Landers and seconded by McCollam to approve of Conditional Use Permit / CU 15-33 with the following seven (7) conditions:

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the minimum setback requirements of a Highway Service District be continually maintained on the property, or the appropriate Variance(s) be obtained;**
- 3. That the subject property remains free of debris and junk vehicles;**
- 4. That the applicant obtain an easement from the Gas Station and RV Service Business to use the existing access to U.S. Highway 16 and file the easement with the Register of Deeds. No additional access points from the subject property to S. Highway 16 will be permitted, per the South Dakota Department of Transportation;**
- 5. That the applicant provide a certified survey verifying setbacks of the existing structures and obtain an approved Setback Variance to resolve any setback issues;**

6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-33, which is available at the Planning Office; and,
7. That this Conditional Use Permit be reviewed on 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.

All voting aye, the Motion carried 7 to 0

18. MINOR PLAT / PL 15-26: Stacey Titus. To reconfigure lot lines to create Lots 4R, 5R, and 6R of Morse Subdivision #4 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5, and 6 less the South 180 feet thereof, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4R, 5R, and 6R, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Minor Plat to reconfigure lot lines to create Lots 4R, 5R, and 6R of Morse Subdivision #4.

Staff recommended to continue Minor Plat / PL 15-26 to the November 23, 2015, Planning Commission meeting, as the applicant has also submitted a Subdivision Regulations Variance request which will be heard at the same meeting.

Moved by Landers and seconded by Litzen to continue Minor Plat / PL 15-26 to the November 23, 2015, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 26, 2015, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the October 2015 Building Permit Report.

- B. 2015 SD Planner's Conference. Bolstad provided the Planning Commission with an update from the 2015 SD Planner's Conference held October 28th and October 29th in Mitchell.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Hadcock thanked the Planning Commission and Planning Department staff for a good job they have been doing and helping the public finding solutions.

24. ADJOURNMENT

Moved by Litzen and seconded by Zvejnieks to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:04 a.m.

Karen Hall, Chairperson