

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 11, 2016 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE MARCH 28, 2016, MINUTES
Moved by Litzen and seconded by McCollam to approve the minutes of the March 28, 2016, 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 April 11, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).

Moved by McCollam and seconded by Litzen to approve the Consent Calendar of the April 11, 2016, Planning Commission Meeting, with the removal of Item #5, #9, and #10. 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 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 November 9, 2015, Planning Commission meeting.)

To end Conditional Use Permit / CU 92-54.

Vote: unanimous (6 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 99-56:** Thad Weiss. To review a car dealership as a home occupation in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract X Revised, Burns Placer 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 99-56 with the new owner's concurrence.

Vote: unanimous (6 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 14-03:** Lonny Ryman. To review storage units located on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

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

To approve of the extension of Conditional Use Permit / CU 14-03 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 the current owner 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;**
3. **That all existing and proposed structures must meet the Setback and Height Requirements of the subject property's current Zoning District or obtain an approved Setback Variance;**
4. **That the current owner continues to ensure that all natural drainage ways are continually maintained and are not blocked;**
5. **That any work encompassing over one (1) acre will require the current owner to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environment and Natural Resources;**
6. **That the address and a sign be continually posted indicating after hours contact information and the current owner's phone number, which must be clearly visible at the entrance of the lot;**
7. **That a Sign Permit be obtained for any on-premise and/or off-premise signs, which requires a site plan to be reviewed and approved by the Planning Director;**

8. That any sign(s) conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
9. That all lighting located on the outside of the storage units be continually directed towards the ground;
10. That the current owner signs a Statement of Understanding within eleven (11) business days of Approval of the extension of Conditional Use Permit / CU 14-03, which is available at the Planning Department; and,
11. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by Pennington County Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous (6 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 14-09:** Jesse Rieb. To review an existing single-family residence to be used as a second ranchhand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Section less right-of-way; less PT NW1/4NE1/4 and PT N1/2NW1/4, Section 11, T1S, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit Review / CU 14-09 to the April 25, 2016, Planning Commission meeting.

Vote: unanimous (6 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 14-10:** MDC Coast 2 LLC; Conrad's Big C Signs – Agent. To review two illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot C of Tract 1, Paul Subdivision, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit Review / CU 14-10 to the April 25, 2016, Planning Commission meeting.

Vote: unanimous (6 to 0).

11. **PLANNED UNIT DEVELOPMENT / PU 16-01:** Donna and Lyle Hartshorn. To rezone 55.26 acres from Limited Agriculture District and General Agriculture District to a Planned Unit Development to allow for a Resort Development to include uses such as weddings, receptions, parties, picnics, small gatherings, a farmer's market, a pumpkin patch, wagon rides, and to include an indoor riding area and to stable horses on-site in the future, on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

NE1/4SE1/4, Tract D of NW1/4SE1/4 less Lot 1, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

To continue Planned Unit Development / PU 16-01 to the April 25, 2016, Planning Commission meeting.

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

5. **CONDITIONAL USE PERMIT REVIEW / CU 07-11:** Bernard Ness; Ronnie Ness – Agent. To review an auto repair business in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Section less Right-of-Way, Section 1, T1N, R9E, BHM, Pennington County, South Dakota.

Commissioner Hall asked to have this item removed from the Consent Calendar to discuss the applicant being allowed to temporarily store vehicles outside of the enclosed structure for the home occupation of an auto repair business.

Staff recommended approval of the extension of Conditional Use Permit / CU 07-11 with the following nine (9) conditions:

1. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director;
2. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use;
3. That a maximum of two (2) employees, not residing on the premises, may be employed by the home occupation;

4. That a minimum of four (4) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
5. That DENR approval is needed prior to the installation of public restroom facilities;
6. That the address of the residence remains posted at 154th Avenue where it meets the applicant's property;
7. That the home occupation be limited to an auto body repair business. Any expansion beyond this would require the Conditional Use Permit to be reviewed;
8. That no material or auto parts be stored outside of an enclosed structure located on the property with the exception of a maximum of four (4) vehicles that may be temporarily stored outside in the shop yard while repairs are being made; and,
9. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by Pennington County Planning Commission or County Board of Commissioners to determine if the conditions are being met.

Discussion followed.

Moved by Hall and seconded by Buskerud to continue the review of Conditional Use Permit / CU 07-11 to the April 25, 2016, Planning Commission meeting.

All voting, the Motion carried 5 to 1. Commissioner Landers voted no.

9. CONDITIONAL USE PERMIT / CU 16-04: Alex and Mikal Kulesza. To allow for a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 1, Merchen Addition #2, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

Staff asked to have this item removed from the Consent Calendar. Molitor stated staff had originally recommended this item be continued to the April 25, 2016, Planning Commission meeting in order for the applicants to address concerns of the Pennington County Fire Coordinator.

Staff is now recommending approval of Conditional Use Permit / CU 16-04 with the following fifteen (15) 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 the applicant provide a landline in case of an emergency;
3. 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;
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 operation 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 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;
8. 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;
9. That the lot address be posted at all times so it is clearly visible from Day Break Ridge Road, in accordance with Ordinance #20;
10. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Alex Kulesza, 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;
12. 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;

13. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit/ CU 16-04, 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 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 16-04.

Commissioner Landers stated she would like to see this item continued; based upon a letter staff received in opposition to the request.

SUBSTITUTE MOTION: Moved by Landers and seconded by Buskerud to continue Conditional Use Permit / CU 16-04 to the April 25, 2016, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

10. **MINING PERMIT / MP 16-01:** Western Construction / Tom Lien. To excavate, extract and process gravel on a portion of the E1/2 of Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

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

Commissioner Litzen asked to have this item removed from the Consent Calendar to discuss the Moratoriums that were put in place by the Board of Commissioners for Construction and Mining Permits.

Staff recommended approval of Mining Permit / MP 16-01 with the following nineteen (19) conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals License (Mining License #09-880) be continually met;
2. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Department when it is renewed;

3. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge System For Nonmetallic Mineral Processing Plants in South Dakota (SDG05A185) be continually met;
4. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
5. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed;
6. That any permanent development should be designed so as not to interfere with any future street alignments;
7. That all debris and materials must be secured and contained on site in a manner that prevents a safety hazard to persons, property, and/or equipment on the airport;
8. That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard;
9. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Industrial Activities, if required by the South Dakota Department of Environment and Natural Resources, and that the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;
10. That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;
11. That a new extension be submitted to the Federal Aviation Administration (FAA) for their approval and once approved, a copy sent to the Rapid City Regional Airport;
12. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;
13. That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard to the runways;

14. That no ponding of water that could cause an attractant to flocking birds, ducks or geese;
15. That all mining operations shall maintain adequate separation from the existing water main and not place overburden, material stockpiles or heavy mining equipment within the easement or adjacent to valves and hydrants;
16. That the site shall be re-vegetated as required in Section 507-A(5)(c);
17. That the applicant only load gravel from existing piles and do not crush onsite until all necessary approvals from the FAA are obtained;
18. That the applicant sign a statement of Understanding within ten (10) business days of Permit approval; and,
19. That this Mining Permit will be reviewed at the June 13, 2016, Planning Commission meeting to verify Condition #11 is met, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by Litzen and seconded by Coleman to approve of Mining Permit / MP 16-01 with the following nineteen (19) conditions:

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals License (Mining License #09-880) be continually met;**
- 2. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Department when it is renewed;**
- 3. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge System For Nonmetallic Mineral Processing Plants in South Dakota (SDG05A185) be continually met;**
- 4. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;**
- 5. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed;**

6. That any permanent development should be designed so as not to interfere with any future street alignments;
7. That all debris and materials must be secured and contained on site in a manner that prevents a safety hazard to persons, property, and/or equipment on the airport;
8. That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard;
9. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Industrial Activities, if required by the South Dakota Department of Environment and Natural Resources, and that the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;
10. That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;
11. That a new extension be submitted to the Federal Aviation Administration (FAA) for their approval and once approved, a copy sent to the Rapid City Regional Airport;
12. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;
13. That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard to the runways;
14. That no ponding of water that could cause an attractant to flocking birds, ducks or geese;
15. That all mining operations shall maintain adequate separation from the existing water main and not place overburden, material stockpiles or heavy mining equipment within the easement or adjacent to valves and hydrants;
16. That the site shall be re-vegetated as required in Section 507-A(5)(c);
17. That the applicant only load gravel from existing piles and do not crush onsite until all necessary approvals from the FAA are obtained;

18. That the applicant sign a statement of Understanding within ten (10) business days of Permit approval; and,
19. That this Mining Permit will be reviewed at the June 13, 2016, Planning Commission meeting to verify Condition #11 is met, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all conditions of approval are being met.

All voting aye, the Motion carried 6 to 0.

12. CONDITIONAL USE PERMIT / CU 16-03: Jennifer and Jason Wright. To allow a Recreational Vehicle to be lived in part-time on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Bies Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Recreational Vehicle to be lived in part-time on the subject property.

Staff is seeking guidance from the Planning Commission regarding this Conditional Use Permit request.

If the Planning Commission approves Conditional Use Permit / CU 16-03, staff would recommend the following eight (8) conditions be added:

1. That an approved 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 addresses for both the residence and the RV be clearly posted on the residence and on the RV and where they can be clearly visible from both directions of Long View Road in accordance with Pennington County's Ordinance #20.
3. That the Recreation Vehicle not be used as a residence for more than 180 days per year;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
5. That the applicant installs a separate On-Site Wastewater Treatment System for the Recreational Vehicle;

6. That the property remains free of debris and junk vehicles;
7. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-03, 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 Planning Commission and/or County Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Landers and seconded by Coleman to continue Conditional Use Permit / CU 16-03 to the April 25, 2016, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

13. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 16-02: Water Company at Rushmore Ranch, LLC; James W. Olson – Agent. To amend the existing Rushmore Ranch Estates Planned Unit Development to change to the use of Tract 42 from commercial to residential in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 42, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Major Planned Unit Development Amendment to amend the existing Rushmore Ranch Estates Planned Unit Development to change to the use of Tract 42 from commercial to residential.

Staff recommended approval of Major Planned Unit Development Amendment / PUD 16-02 with the following fourteen (14) conditions:

1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);

4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a minimum of 73 acres of common area be provided;
6. That Tract 43 be utilized as a Neighborhood Commercial lot and a maximum of two (2) commercial structures, each no more than 5,000 square feet in area, be allowed on this lot;
7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
8. That no structures have wood shakes;
9. That all fire hydrants on the Neighborhood Commercial lot (Tract 43) have adequate flows;
10. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;
12. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
13. 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; and,
14. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of Major Planned Unit Development Amendment / PUD 16-02 with the following fourteen (14) conditions:

- 1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;**

2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a minimum of 73 acres of common area be provided;
6. That Tract 43 be utilized as a Neighborhood Commercial lot and a maximum of two (2) commercial structures, each no more than 5,000 square feet in area, be allowed on this lot;
7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
8. That no structures have wood shakes;
9. That all fire hydrants on the Neighborhood Commercial lot (Tract 43) have adequate flows;
10. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;
12. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
13. 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; and,
14. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

All voting aye, the Motion carried 6 to 0.

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

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

(Continued from the March 28, 2016, Planning Commission meeting.)

Bolstad stated this is a review of the applicant's Conditional Use Permit to review a golf driving range and helipad for the subject property.

Staff recommended approval of the extension of Conditional Use Permit / CU 14-23 with the following thirteen (13) conditions:

1. That this Conditional Use Permit allows for a golf driving range and helipad on the subject property with chartered helicopter tours to be operated from the site;
2. That all conditions of Construction Permit / CP 15-01 be continually met;
3. That an On-site Wastewater Construction Permit be obtained for the installation of any on-site wastewater treatment system on the property, and that this Permit be obtained prior to issuance of a Building Permit for any structure containing plumbing;
4. That off-street parking be provided on-site in accordance with the requirements of Section 310 of the Zoning Ordinance for Commercial recreation uses;
5. That the applicant demonstrate compliance with the Federal Aviation Administration (FAA) and the applicant provide a letter from them that he is in compliance;
6. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;
7. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;
8. That access to the helipad be limited to employees and customers escorted by employees;

9. That the comments provided by the U.S. Forest Service be adhered to at all times;
10. That a Sign Permit be obtained prior to the installation of any signs on the property. All new signs must meet the requirements of Section 312 of the Zoning Ordinance;
11. That the property address be clearly visible from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
12. That prior to operation of the helipad, this Conditional Use Permit be reviewed in order for specifics about the operation of the helipad to be determined, including hours of operation, number of flights per hour, etc.; and,
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Commissioner Coleman left the meeting at 10:09 a.m.

Moved by Litzen and seconded by McCollam to approve the extension of Conditional Use Permit / CU 14-23 with the following thirteen (13) conditions:

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

6. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;
7. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;
8. That access to the helipad be limited to employees and customers escorted by employees;
9. That the comments provided by the U.S. Forest Service be adhered to at all times;
10. That a Sign Permit be obtained prior to the installation of any signs on the property. All new signs must meet the requirements of Section 312 of the Zoning Ordinance;
11. That the property address be clearly visible from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
12. That prior to operation of the helipad, this Conditional Use Permit be reviewed in order for specifics about the operation of the helipad to be determined, including hours of operation, number of flights per hour, etc.; and,
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary 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 5 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 March 28, 2016, Planning Commission meeting.)

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

Staff recommended approval of the extension of Construction Permit / CP 15-01 with the following nine (9) conditions:

1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That the applicant notifies Fire Dispatch that they will be working on a particular day, and the approximate hours of operation;
4. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. That any monuments establishing property boundaries be replaced as necessary;
7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
8. That the site shall be re-vegetated as required in Section 507-A(5)(c); and,
9. That this Construction Permit expires on July 31, 2016 and may be reviewed on a complaint basis, or as directed by the Planning Commission to verify that all conditions of approval are being met.

Discussion followed.

Moved by Buskerud and seconded by Litzen to approve of the extension of Construction Permit / CP 15-01 with the following nine (9) conditions:

- 1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That the applicant notifies Fire Dispatch that they will be working on a particular day, and the approximate hours of operation;**

4. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. That any monuments establishing property boundaries be replaced as necessary;
7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
8. That the site shall be re-vegetated as required in Section 507-A(5)(c); and,
9. That this Construction Permit expires on July 31, 2016 and may be reviewed on a complaint basis, or as directed by the Planning Commission to verify that all conditions of approval are being met.

All voting aye, the Motion carried 5 to 0.

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 14th and March 28th Planning Commission meetings, with the exception of:

1. Vacation of Plat 16-01 (Rodney Vollmer; Brenda Degen-Whiting – Agent). This item was denied.
2. Construction Permit 15-17 (Croell Redi-Mix, Inc.). This item was denied.
3. First Reading Rezone 16-03 and Comprehensive Plan Amendment 16-02 (Mitch Morris). This item was approved for the First Reading.

17. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit report for March 2016.

- B. VH Rental Public Meeting. Conover reminded the Planning Commission that there is a public meeting scheduled for Tuesday, April 12th from 4 p.m. to 6 p.m. to review proposed changes to Section 319 – VH Rental Ordinance.
- C. Temporary Zoning Moratoriums. Conover spoke of the Moratoriums for submittal of Construction Permits, Mining Permits, and Solar Energy Systems.
- D. 2016 National Planning Conference. Conover discussed the National Planning Conference that staff attended.

19. ITEMS FROM THE MEMBERSHIP

- A. Development Philosophy Memo. Commissioner Hall spoke of the memo and stated she will be appearing before the Board of Commissioners on Tuesday, April 19th at their scheduled meeting.

20. ADJOURNMENT

Moved by McCollam and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:50 a.m.

Karen Hall, Chairperson