

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**April 25, 2016 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE APRIL 11, 2016, MINUTES  
**Moved by McCollam and seconded by Landers to approve the minutes of the April 11, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).**
  
2. APPROVAL OF THE AGENDA  
**Moved by Landers and seconded by Zvejnieks to approve the Agenda of the April 25, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).**  
  
**Moved by Zvejnieks and seconded by Litzen to approve the Consent Calendar of the April 25, 2016, Planning Commission Meeting, with the removal of Items #4, #5, and #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 06-17:** Carol A DeLeo and Gina DeLeo. To review a Recreational Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: That portion of Burlington Northern Railroad Company's (formerly Chicago, Burlington and Quincy Railroad Company's) 300.0 foot wide station ground property at Rochford City, South Dakota, located on the Custer to Deadwood Branch line right of way, now discontinued, being 150.0 feet wide on each side of said Branch line's Main Track centerline, as originally located and constructed upon, over and across the SW1/4 NE1/4 and the E1/2 SE1/4 NW1/4, Section 24, T2N, R3E of the Black Hills Meridian, City of Rochford, Pennington

County, South Dakota described as follows, to wit: Beginning at a Point 150.0 feet Northerly from Station 2101 + 17.8 and at right angles from the centerline of the railroad, which point is South 38 Degrees 54 Minutes West a distance of 352.4 feet from Corner No. 8 of Mineral Claim Lot No. 676; thence running South 10 Degrees 41 Minutes West a distance of 300.0 feet; thence North 78 Degrees 19 Minutes West parallel with railroad a distance of 1300.0 feet; thence North 10 Degrees 41 Minutes East a distance of 250.0 feet, more or less, to the intersection of the line of said Mineral Claim Lot No. 676 between Corners No. 3 and 4 thereof; thence North 83 Degrees 10 Minutes East along said line a distance of 150.0 feet, more or less, to a point 150.0 feet Northerly and at right angles from the centerline of said railroad; thence South 79 Degrees 19 Minutes East a distance of 1140.0 feet, more or less, to the Point of Beginning (72.620 acres more or less). Excepting Therefrom: All that portion of said Railroad Company's 100.0 foot wide Branch line right of way, being 50.0 feet wide on each side of said Main Track centerline; also, Excepting Therefrom: The County Road; also, Excepting Therefrom: 0.46 acres, more or less, being a part of the SW1/4 NE1/4 of Section 24, T2N, R3E of the Black Hills Meridian, Pennington County, South Dakota, as recorded in Book 158, Page 144 in the Register of Deeds office for Pennington County, South Dakota and also, Excepting Therefrom: Lot 1 of the Damfino 2 Subdivision and 66' Mudable Drive (A platted private drive) Being a portion of the Nebraska Placer, M.S, 676 located in the NE1/4 of Section 24, T2N, R3E, BHM, Pennington County, South Dakota, being 1.049 acres more or less, as shown in Plat Book 24 at Page 190 and recorded as Document #16992 in Book 50, Page 2436 in the Register of Deeds office for Pennington County, South Dakota.

**To end Conditional Use Permit / CU 06-17.**

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

6. **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.

(Continued from the April 11, 2016, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 14-10 to the May 9, 2016, Planning Commission meeting.**

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

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

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

**To continue the review of Conditional Use Permit / CU 15-05 to the May 9, 2016, Planning Commission meeting with the applicant's concurrence.**

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

9. **CONDITIONAL USE PERMIT REVIEW / CU 15-06:** Border States Paving. To review a temporary asphalt batch plant to be set up in the Pete Lien & Son's gravel pit in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 1-4; PT of GL 5 East of Right-of-Way; PT NE1/4NW1/4 East of Right-of-Way, Section 17, T1N, R14E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 15-06 with applicant's concurrence.**

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

10. **CONDITIONAL USE PERMIT REVIEW / CU 15-07:** Linda and Harlan Eisenbraun. To review a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4NE1/4; NW1/4NW1/4; S1/2NW1/4; S1/2, Section 12, T4N, R15E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 15-07 with the applicant's concurrence.**

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

11. **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.

(Continued from the April 11, 2016, Planning Commission meeting.)

**To approve of the withdrawal of Conditional Use Permit / CU 16-03 with the applicant's concurrence.**

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

12. **CONDITIONAL USE PERMIT / CU 16-06:** South Canyon Country Estates Homeowner's Association; Davis Engineer – Agent. To bring into compliance the recreation area on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot A, Block 7, South Canyon Country Estates, Section 26, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of the withdrawal of Conditional Use Permit / CU 16-06 with the applicant's concurrence.**

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

13. **CONDITIONAL USE PERMIT / CU 16-07:** Donald Karras. To allow an existing accessory structure, a pole barn, to remain on the subject property prior to a principle structure in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot AR of Lot 2 Revised, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 16-07 with the following seven (7) conditions:**

1. **That the lot address, 24427 Thovson Road, be posted so it is clearly visible from Thovson Road in accordance with Pennington County Ordinance #20;**
2. **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;**
3. **That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;**
4. **That the subject property remains free of debris and junk vehicles;**
5. **That the accessory structures be used for personal use only and no commercial-type uses and not for living space;**
6. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-07, 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.**

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

14. **CONDITIONAL USE PERMIT AMENDMENT / CU 89-36:** Clyde and Dianne Graumann. To amend the existing Conditional Use Permit to allow a roofing business as a home occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Carlin Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend to continue Conditional Use Permit Amendment / CU 89-36 to the May 9, 2016, Planning Commission meeting with the applicant's concurrence.**

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

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

4. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 14-08:** Basin Electric Power Cooperative; Kevin Solie – Agent. To review an addition to an existing electrical substation in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

The S1/2SE1/4SW1/4; S1/2N1/2SE1/4SW1/4; SE1/4 SW1/4SW1/4 LESS W220ft; S1/2NE1/4 SW1/4SW1/4 LESS W220ft, Section 28, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Hall asked to have this item removed from the Consent Calendar to discuss to the continued date of this item to the May 23, 2016, Planning Commission meeting.

Discussion followed.

**Moved by Hall and seconded by Litzen to continue the review of Conditional Use Permit Amendment / CU 14-08 to the May 23, 2016, Planning Commission meeting.**

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

5. 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.

(Continued from the April 11, 2016, Planning Commission meeting.)

Commissioner Landers asked to remove this item from the Consent Calendar to discuss amending Condition #6 of the Conditions of Approval to state "That the Conditional Use Permit be reviewed on a complaint basis or when the property changes ownership."

Discussion followed.

Moved by Landers to approve of the extension of Conditional Use Permit / CU 14-09 and amend Condition #6 to state "That Conditional Use Permit be reviewed on a complaint basis or when the property changes ownership." Motion died for lack of second.

**SUBSTITUTE MOTION: Moved by Zvejnieks and seconded by Litzen to approve of the extension of Conditional Use Permit / CU 14-09 with the following six (6) conditions, amending Condition #6:**

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 this Conditional Use Permit be revoked when the applicant, Jesse Rieb, is no longer directly engaged in the operation of the farm or ranch located on the property;**
3. **That the second ranch hand's residence continually be occupied by a ranch hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operation of the farm or ranch located on the property;**
4. **That separate addresses for each of the ranch hand's residences continually be clearly posted on each individual residence and at the approach, so as to be visible from both directions on Antelope Creek Road in accordance with Pennington County's Ordinance #20;**
5. **That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 14-09, which is available at the Planning Department; and,**

6. **That this Conditional Use Permit be reviewed in five (5) years or when the property changes ownership, or 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 6 to 0.**

7. CONDITIONAL USE PERMIT REVIEW / CU 14-12: Penelope Cox; Huling Revocable Trust – Owner. To review a single-wide mobile home as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot F of Lot 1 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Landers asked to have this item removed from the Consent Calendar to discuss amending Condition #6 of the Conditions of Approval to state: “That this Conditional Use Permit be reviewed on a complaint basis only or when the property changes ownership.”

Moved by Landers and seconded by Zvejnieks approve of the extension of Conditional Use Permit / CU 14-12 and amending Condition #6 to state: “That this Conditional Use Permit be reviewed on a complaint basis only or when the property changes ownership.”

Discussion followed.

**SUBSTITUTE MOTION:** Moved by Litzen and seconded by Landers to approve of the extension of Conditional Use Permit / CU 14-12 and amending Condition #6 to state: “That this Conditional Use Permit be reviewed in five (5) years or when the property changes ownership, or 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.”

**SECOND SUBSTITUTE MOTION:** Moved by Litzen and seconded by Landers to approve of the extension of Conditional Use Permit / CU 14-12 with the following six (6) conditions and amending Condition #6:

- 1 **That a Building Permit be obtained for any structure(s) 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 Suburban Residential District be continually maintained on the property, including no structures being located within eight (8) feet of the side property lines;**
- 3 **That the property continue to be kept free of debris and junk vehicles;**

- 4 That the lot address (3679 Jim Street) continue to be posted so it is clearly visible from both directions of travel along Jim Street at all times, in accordance with Pennington County's Ordinance #20;
- 5 That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
- 6 That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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

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

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

Molitor stated this is a review of the applicant's Construction Permit for the Road District.

Staff recommended continuing Construction Permit / CP 15-08 to the May 9, 2016 Planning Commission meeting

**Moved by Zvejnieks and seconded by Buskerud to continue the review of Construction Permit / CP 15-08 to the May 9, 2016 Planning Commission meeting.**

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

16. CONSTRUCTION PERMIT REVIEW (SUMMER CREEK INN)/ CP 15-09: Dan and Nancy Evangelisto (Summer Creek Inn). To grade and level an area of a hillside (Lots 10, 11, 12, 13 and 15) in order to construct a building (Lots 10 and 12); to stockpile material at other locations (Lot 27) between (Lots 34 and 35) of the property; and to level and grade an area for an overflow parking lot (Lot 45).

Lots 10, 11, 12, 13 and 15; Lot 27, Lots 34 and 35, and Lot 45 of Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor stated this is a review of the applicant's Construction Permit for Summer Creek Inn.



Staff recommended continuing Construction Permit / CP 15-09 to the May 9, 2016 Planning Commission meeting

**Moved by Zvejnieks and seconded by McCollam to continue the review of Construction Permit / CP 15-09 to the May 9, 2016 Planning Commission meeting.**

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

17. 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.

(Continued from the April 11, 2016, Planning Commission meeting.)

Bolstad stated this item was continued from the April 11, 2016, Planning Commission meeting in order for staff to research the concerns of the Planning Commission where the applicant is allowed to maintain four (4) vehicles outside of the enclosed structure for a home occupation.

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 154<sup>th</sup> 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 Litzen to approve 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 154<sup>th</sup> 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.**

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

18. 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.

(Continued from the April 11, 2016, Planning Commission meeting.)

Molitor stated this item was continued from the April 11, 2016, Planning Commission meeting, based upon concerns of a letter written in opposition to the applicant's proposed Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 16-04 with the following sixteen (16) 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 on the residence and 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 obtain an approved Building Permit for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director;
15. 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,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Discussion followed.

**Moved by Litzen and seconded by McCollam to approve of Conditional Use Permit / CU 16-04 with the following sixteen (16) 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 on the residence and 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 obtain an approved Building Permit for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director;
15. 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,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 16-05: Spring Creek Hideaway, LLC / Brent and Pam Veurink. To allow for a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Peterson Subdivision MS 622, Section 11, T2S, R4E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 16-05 with the following eighteen (18) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That the applicant provide a landline within the Vacation Home Rental in case of an emergency and list the phone number on the interior informational sign within the Vacation Home Rental;
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 or upgrades/alterations to the on-site wastewater treatment system;
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 five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-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 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, during operation of the Vacation Home Rental;
9. That the lot address be posted on the residence at all times and so that it is clearly visible from Barrel Springs Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Rochelle Lee, 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 an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
14. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;

15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-05, which is available at the Planning Office;
17. That this Conditional Use Permit be reviewed at the June 13, 2016, Planning Commission meeting to verify that all Conditions of Approval are being met and a Vacation Home License has been issued by the South Dakota Department of Health; and,
18. That if a continuation of Conditional Use Permit / CU 16-05 is necessitated at the June 13, 2016, Planning Commission meeting, due to the lack of the applicant's action, the continuation will be subject to Section 511-X of the Pennington County Zoning Ordinance.

Discussion followed.

**Moved by Zvejnieks and seconded Buskerud to deny Conditional Use Permit / CU 16-05.**

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

20. 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.

(Continued from the April 11, 2016, Planning Commission meeting.)

Conover stated this item was continued from the April 11, 2016, Planning Commission meeting.

Staff recommended continuing Planned Unit Development / PU 16-01 to the May 9, 2016, Planning Commission meeting in order for staff to meet with the applicant to clarify the requested uses with the applicant.



**Moved by Litzen and seconded by Landers to continue Planned Unit Development / PU 16-01 to the May 9, 2016, Planning Commission meeting in order for staff to meet with the applicant to clarify the requested uses with the applicant.**

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

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 11, 2016, Planning Commission meeting.

1. The Second Reading of Rezone 16-03 and Comprehensive Plan Amendment 16-02 (Mitch Morris) was continued to the May 3<sup>rd</sup> Board of Commissioner's meeting.
2. The Appeal of Conditional Use Permit / CU 15-39 (Bellwether Limited Partnership; Janice and Roger Knutsen – Agent). The Board of Commissioners overruled the Planning Commission's decision to approve this item.
3. The Appeal of Telecommunications Facility Permit / TC 16-01 (Cellular Inc. / Network Corp. d/b/a Verizon Wireless; Brian Kabat-Buell Consulting – Agent). The Board of Commissioners overruled the Planning Commission's decision to approve this item.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

There were no items from staff.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Zvejnieks discussed reviews of Conditional Use Permits. Commissioner Hall spoke of the Philosophy Development Memo.

25. RECONSIDERATION OF ITEM #5 - 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.

Moved by Litzen and seconded by Landers to approve of the extension of Conditional Use Permit / CU 14-09 with the following six (6) conditions, amending Condition #6 to remove the language “when the property changes ownership,” if it had been included in the previous Original Motion to approve:

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 this Conditional Use Permit be revoked when the applicant, Jesse Rieb, is no longer directly engaged in the operation of the farm or ranch located on the property;
3. That the second ranch hand’s residence continually be occupied by a ranch hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operation of the farm or ranch located on the property;
4. That separate addresses for each of the ranch hand’s residences continually be clearly posted on each individual residence and at the approach, so as to be visible from both directions on Antelope Creek Road in accordance with Pennington County’s Ordinance #20;
5. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 14-09, which is available at the Planning Department; and,
6. That this Conditional Use Permit be reviewed in five (5) years or 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 (6 to 0).**

26. ADJOURNMENT

Moved by Zvejnieks and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:29 a.m.

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Karen Hall, Chairperson