

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, William McCollam, Jim Coleman, Barbara Landers, and George Ferebee.

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

ROLL CALL

1. APPROVAL OF THE APRIL 25, 2016, MINUTES
Moved by Zvejnieks and seconded by McCollam to approve the minutes of the April 25, 2016, Planning Commission Meeting. Vote: unanimous (5 to 1). Commissioner Ferebee abstained.

2. APPROVAL OF THE AGENDA
Moved by Landers and seconded by McCollam to approve the Agenda of the May 9, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).

Moved by Zvejnieks and seconded by Landers to approve the Consent Calendar of the May 9, 2016, Planning Commission Meeting, with the removal of Items #3, #5, #9, #10, #11, #12, #13 and #17. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 08-01:** David and Janice Oleson. To review a residential care facility in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Tract A, Pioneer Subdivision II, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 08-01 with the following six (6) conditions:

1. That the applicant continues to have and maintain all necessary permits from the South Dakota Department of Social Services;
2. That the applicant maintains a copy of the license from the Department of Health prior to occupancy of the single-family residence;
3. That no more than seven veterans reside on premise;
4. 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;
5. That once the applicants no longer reside on the property and operate the residential care facility, that this CUP shall be revoked; and,
6. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by Pennington County Planning Commission or County Board of Commissioners to verify that all conditions are being met.

Vote: unanimous (6 to 0).

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

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

To continue the review of Conditional Use Permit / CU 14-06 to the May 23, 2016, Planning Commission meeting.

Vote: unanimous (6 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 14-07:** Josh Bruning. To review an illuminated, on-premise sign within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 1 less Lot 1 of Lot C of Lot 1 and less right-of-way, Rohrer Subdivision, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-07 with the following seven (7) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
2. That the sign maintain proper setbacks from all side and rear property lines;
3. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the on-premise sign only be illuminated only between the hours of 6 a.m. and 10 p.m.;
5. That the sign be continually maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
6. That only on-premise advertising and public information be allowed on the sign and no off-premise advertising be allowed, unless otherwise permitted with Pennington County through approval of a Conditional Use Permit; and,
7. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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.

(Continued from the April 25, 2016, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 14-10 with the following four (4) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or

brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;

2. That the signs must continually meet a minimum of a five (5) foot setback from the front property lines;
3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance; and,
4. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (6 to 0).

14. **CONDITIONAL USE PERMIT / CU 16-09:** Ken Nash. To allow for two (2) new off-premises signs within 1,500 feet of a residential zoning district / dwelling unit in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4SW1/4 LESS NE1/4NE1/4SE1/4SW1/4; That PT of SW1/4SW1/4 Lying South of Right-of-Way; NE1/4NE1/4SW/14SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 16-09 to the May 23, 2016, Planning Commission meeting.

Vote: unanimous (6 to 0).

15. **REZONE / RZ 16-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-04:** Rich and LeeAnn Jensen. To rezone 21.57 acres from Low Density Residential District and Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive and Low Density Residential District to Highway Service District in accordance with Sections 206, 207, 210, 213, and 508 of the Pennington County Zoning Ordinance.

Lot 1R, Jensen Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To continue Rezone / RZ 16-04 and Comprehensive Plan Amendment / CA 16-04 to the May 23, 2016, Planning Commission meeting.

Vote: unanimous (6 to 0).

16. **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.

(Continued from the April 25, 2016, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 15-05 with the following thirteen (13) conditions:

1. **That the maximum overnight occupancy, based on South Dakota Department of Environment and Natural Resources (SD DENR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;**
2. **That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
3. **That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
4. **That a minimum of three (3) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
5. **That an interior informational sign be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the residence as a VHR;**
6. **That the lot address be posted on the residence and the approach at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;**
7. **That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;**
8. **That prior to any work being conducted within the boundaries of the Special Flood Hazard area, an approved Floodplain Development Permit be obtained;**

9. That if the person designated as the Local Contact is ever changed from Lesia McLaughlin, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That the applicant 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
12. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded; and,
13. That this Conditional Use Permit be reviewed in three (3) years, 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.

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

3. 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.

(Continued from the April 25, 2016, Planning Commission meeting.)

Commissioners Zvejnieks removed this item from the Consent Calendar.

Supboon reviewed the Staff Report indicating the applicants have applied to amend the existing Conditional Use Permit to allow the applicant's son to also operate the business located on the subject property.

Staff recommended approval of the extension of Conditional Use Permit Amendment / CU 89-36 with the following nine (9) conditions:

1. That the hours of operation be between 6:00 a.m. and 7:00 p.m.;
2. That this Conditional Use Permit be automatically revoked when Clyde Graumann, Dianne Graumann, or Daniel Graumann no longer operate the business or transfer the property/or business to someone other than the above-mentioned;
3. That one sign may be located no closer than seventeen (17) feet from the street right-of-way and may not be larger than four (4) square feet;
4. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purposes other than that of a residential use;
5. That the home occupation be conducted within the enclosed structures located on the subject property;
6. That members of the family residing on the premises and no more than six (6) additional employees shall operate the business;
7. That appropriate measures be taken to protect the Hawthorne ditch from debris, sediment, or any other material entering the ditch;
8. That the applicants 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; and,
9. 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.

Discussion followed.

Moved by Ferebee and seconded by Landers to continue Conditional Use Permit Amendment / CU 89-36 to the May 23, 2016, Planning Commission meeting in order for staff to meet with the applicants and address concerns of the Planning Commission in regards to Condition #2 of the Conditions of Approval.

All voting aye, the Motion carried 6 to 0.

5. CONDITIONAL USE PERMIT REVIEW / CU 09-11: Tyler and Kimberly Richter. 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.

Tract B of N1/2, Section 35, T2N, R11E, BHM, Pennington County, South Dakota.

Commissioner Ferebee removed this item from the Consent Calendar

Staff recommended to end Conditional Use Permit / CU 09-11 with the applicant's concurrence.

Discussion followed.

Moved by Coleman and seconded by Landers to end Conditional Use Permit / CU 09-11 with the applicant's concurrence.

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT REVIEW / CU 14-14: Gerald and Barbara Wittler. To review a single-wide mobile home to be used as a permanent residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot H1 in the SE1/4SE1/4 less 42 feet of the NE boundary for County ROW as conveyed in Deed recorded in Book 179, Page 573, Section 31, T2N, R11E, BHM, Pennington County, South Dakota.

Commissioner Ferebee removed this item from the Consent Calendar.

Staff recommended approval of the extension of Conditional Use Permit / CU 14-14 with the following six (6) conditions:

1. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
2. That the property continue to be kept free of debris and junk vehicles;
3. That the lot address (22893 161st Avenue) continue to be posted so it is clearly visible from both directions of travel along 161st Avenue at all times in accordance with Pennington County's Ordinance #20;
4. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting;

5. That the single-wide mobile home be the only structure on the property with living quarters; and,
6. That this Conditional Use Permit be reviewed on a complaint basis only, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners.

Discussion followed.

Moved by Coleman and seconded by McCollam to approve of the extension of Conditional Use Permit / CU 14-14 with the following six (6) conditions:

- 1. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;**
- 2. That the property continue to be kept free of debris and junk vehicles;**
- 3. That the lot address (22893 161st Avenue) continue to be posted so it is clearly visible from both directions of travel along 161st Avenue at all times in accordance with Pennington County's Ordinance #20;**
- 4. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting;**
- 5. That the single-wide mobile home be the only structure on the property with living quarters; and,**
- 6. That this Conditional Use Permit be reviewed on a complaint basis only, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners.**

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT REVIEW / CU 15-38: Mark or Ann Haubrich. To review living in an existing double-wide mobile home while building a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

NE1/4SE1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 15-38 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 if any disturbance is planned for within the Special Flood Hazard area, the applicant meet with Planning Staff prior to beginning the work to see if a Floodplain Development Permit is required prior to any construction;
3. That the existing double-wide mobile home be removed from the property once the single-family residence is complete and habitable and the applicant notify the Planning Department of such;
4. That the applicant obtains a Removal Permit from the Planning Department prior to the removal of the double-wide mobile home from the property;
5. That the address, 7756 Old Folsom Road, be properly posted on the new residence, once it is finished, and at the approach from Old Folsom Road so it is clearly visible from both directions of travel along Old Folsom Road in accordance with Pennington County's Ordinance #20;
6. That if the new single-family residence will generate greater wastewater flow than the existing septic system is designed to handle, either with the addition of bedrooms or a garbage disposal, the applicant will be required to either update the existing septic system or install a new septic system altogether. In which case, an approved On-site Wastewater Construction Permit will need to be obtained from the Planning Department prior to the issuance of a Building Permit from the Pennington County Planning Department;
7. That the property remains free of debris and junk vehicles;
8. That all structures maintain proper setbacks from property lines, on-site utilities and easements or the applicant obtains the required Variances;
9. 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 Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by Zvejnieks to approve of extension of Conditional Use Permit / CU 15-38 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 if any disturbance is planned for within the Special Flood Hazard area, the applicant meet with Planning Staff prior to beginning the work to see if a Floodplain Development Permit is required prior to any construction;
3. That the existing double-wide mobile home be removed from the property once the single-family residence is complete and habitable and the applicant notify the Planning Department of such;
4. That the applicant obtains a Removal Permit from the Planning Department prior to the removal of the double-wide mobile home from the property;
5. That the address, 7756 Old Folsom Road, be properly posted on the new residence, once it is finished, and at the approach from Old Folsom Road so it is clearly visible from both directions of travel along Old Folsom Road in accordance with Pennington County's Ordinance #20;
6. That if the new single-family residence will generate greater wastewater flow than the existing septic system is designed to handle, either with the addition of bedrooms or a garbage disposal, the applicant will be required to either update the existing septic system or install a new septic system altogether. In which case, an approved On-site Wastewater Construction Permit will need to be obtained from the Planning Department prior to the issuance of a Building Permit from the Pennington County Planning Department;
7. That the property remains free of debris and junk vehicles;
8. That all structures maintain proper setbacks from property lines, on-site utilities and easements or the applicant obtains the required Variances; and,
9. 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 Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

11. 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.

(Continued from the April 25, 2016, Planning Commission meeting.)

Staff asked to have this item removed from the Consent Calendar to discuss removing Conditions #7 and #8 of the Conditions of Approval.

Staff had originally recommended approval of the extension of Construction Permit / CU 15-08 with the following twelve (12) 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 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;
4. That any monuments establishing property boundaries be replaced as necessary;
5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
6. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
7. That the number, size, and location of check dams suggested in Table 1 of the Drainage Analysis Report for Custer Trails Subdivision (March 2016) be implemented by December 31, 2016;
8. That the check dams be maintained regularly and cleaned when material behind the check dam is 50 percent or more;
9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
10. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;
11. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and,
12. That this Construction Permits expires on April 30, 2017 and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by Zvejnieks and seconded by Coleman to approve of the extension of Construction Permit / CU 15-08 with the following ten (10) 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 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;**
- 4. That any monuments establishing property boundaries be replaced as necessary;**
- 5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;**
- 6. That stormwater flows do not increase from the construction activity that will impact neighboring properties;**
- 7. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);**
- 8. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;**
- 9. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and,**
- 10. That this Construction Permits expires on April 30, 2017, and may be reviewed on a complaint basis, or as directed by the Planning Commission 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. 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.

(Continued from the April 25, 2016, Planning Commission meeting.)

Staff asked to have this item removed from the Consent Calendar to discuss removing Conditions #7 and #8 of the Conditions of Approval.

Staff had originally recommended approval of the extension of Construction Permit / CU 15-09 with the following twelve (12) 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 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;
4. That any monuments establishing property boundaries be replaced as necessary;
5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
6. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
7. That the number, size, and location of check dams suggested in Table 1 of the Drainage Analysis Report for Custer Trails Subdivision (March 2016) be implemented by December 31, 2016;
8. That the check dams be maintained regularly and cleaned when material behind the check dam is 50 percent or more;

9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
10. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;
11. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
12. That this Construction Permits expires on April 30, 2017 and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by Zvejnieks and seconded by Coleman to approve of the extension of Construction Permit / CU 15-09 with the following ten (10) 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 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;**
- 4. That any monuments establishing property boundaries be replaced as necessary;**
- 5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;**
- 6. That stormwater flows do not increase from the construction activity that will impact neighboring properties;**
- 7. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);**

8. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;
9. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and,
10. That this Construction Permits expires on April 30, 2017 and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

All voting aye, the Motion carried 6 to 0.

13. CONDITIONAL USE PERMIT / CU 16-08: Bituminous Paving / Bill Krakowski. To allow for a temporary asphalt plant and stockpile site for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4, W1/2SE1/4 less right-of-way, Section 3, T1S, R16E, BHM, Pennington County, South Dakota.

Commissioner Ferebee removed this item from the Consent Calendar.

Staff recommended approval of Conditional Use Permit / CU 16-08 with the following thirteen (13) conditions:

1. That port-o-potties are provided on-site, throughout the operation of the stockpile and portable asphalt plant;
2. That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
3. All access to the worksite be via the existing private approach;
4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;

6. That all necessary Permits from the Department of Environmental and Natural Resources be obtained, and copies submitted within seven (7) business days of approval of this CUP;
7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
9. That prior to operation of the stockpile and portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;
10. That prior to operation, the applicant, or designee meet with members of the Wall City Volunteer Fire Department and Ambulance to reach an understanding as to how emergencies will be handled on the subject property and on properties located down-the-road from the subject property, in such a way as to minimize and/or eliminate the chance of emergency vehicle response time delays, and to reach an understanding on how to deal with complaints due to dust;
11. That the applicant ensure that either the stockpile and/or portable asphalt plant infringes upon the 58 foot Section Line Right-of-Way during its operation;
12. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-08; and,
13. That this Conditional Use Permit be reviewed on October 10, 2016, or 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.

Discussion followed.

Moved by McCollam and seconded by Coleman to approve of Conditional Use Permit / CU 16-08 with the following thirteen (13) conditions:

- 1. That port-o-potties are provided on-site, throughout the operation of the stockpile and portable asphalt plant;**
- 2. That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;**
- 3. All access to the worksite be via the existing private approach;**

4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
6. That all necessary Permits from the Department of Environmental and Natural Resources be obtained, and copies submitted within seven (7) business days of approval of this CUP;
7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
9. That prior to operation of the stockpile and portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;
10. That prior to operation, the applicant, or designee meet with members of the Wall City Volunteer Fire Department and Ambulance to reach an understanding as to how emergencies will be handled on the subject property and on properties located down-the-road from the subject property, in such a way as to minimize and/or eliminate the chance of emergency vehicle response time delays, and to reach an understanding on how to deal with complaints due to dust;
11. That the applicant ensure that either the stockpile and/or portable asphalt plant infringes upon the 58 foot Section Line Right-of-Way during its operation;
12. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-08; and,
13. That this Conditional Use Permit be reviewed on October 10, 2016, or 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.

All voting aye, the Motion carried 6 to 0.

17. CONDITIONAL USE PERMIT REVIEW / CU 99-37: Bob Young. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the March 14, 2016, Planning Commission meeting.)

Commissioner Ferebee removed this item from the Consent Calendar.

Staff recommended to continue the review of Conditional Use Permit / CU 99-37 to the June 13, 2016, Planning Commission meeting.

Discussion followed.

Moved by Landers and seconded by Coleman to continue the review of Conditional Use Permit / CU 99-37 to the June 13, 2016, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

18. 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 25, 2016, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied 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.

Staff recommended approval of Planned Unit Development / PUD 16-01 with the following twenty-nine (29) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for

occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;

2. That the number of guests be limited up to a maximum of 150 at any one-time;
3. That this Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District and Limited Agriculture District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PUD 16-01, the zoning reverts back to General Agriculture District and Limited Agriculture District assuming the same lot configuration;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 16-01, may be brought forth for review;
5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;
6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;
7. Grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That both parking lots be large enough for a minimum of sixty-seven (67) parking spaces and each parking space shall measuring a minimum of 9 feet by 18 feet, with travel lanes measuring at least eighteen (18) feet wide between rows of parking spaces and the parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;
9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;
10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;

11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be restricted to only one day between Monday and Friday, and include both Saturday and Sunday allowing the uses for a total of three (3) days per week. The hours of operation, for the above-mentioned will be between 10 am and 6 pm only;
12. That any music being provided for any activities be shut down by 6 p.m.;
13. That the applicant install directional signs along the interior driveway to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;
17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;
18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;
20. If another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;
21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;

22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;
23. That the applicant ensure the residential and agricultural character of the property is maintained;
24. That prior to operation, the application obtain a Building Permit (with applicable fees) for the unpermitted existing 11' x 19' structure;
25. 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;
26. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
27. That the operation be conducted by members of the family residing on the premises and no more than one additional person;
28. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 16-01, which is available at the Planning Office; and,
29. That Planned Unit Development / PUD 16-01, 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 Zvejnieks and seconded by Coleman to approve of Planned Unit Development / PUD 16-01 with the following twenty-nine (29) conditions:

1. **That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;**

2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That this Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District and Limited Agriculture District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PUD 16-01, the zoning reverts back to General Agriculture District and Limited Agriculture District assuming the same lot configuration;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 16-01, may be brought forth for review;
5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;
6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;
7. Grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at least eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;
9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;
10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;
11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only;

12. That any music being provided for any activities be shut down by 10 p.m.;
13. That the applicant install directional signs along the interior driveway to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;
17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;
18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;
20. If another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;
21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;
22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;
23. That the applicant ensure the residential and agricultural character of the property is maintained;

24. That prior to operation, the application obtain a Building Permit (with applicable fees) for the unpermitted existing 11' x 19' structure;
25. 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;
26. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
27. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
28. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 16-01, which is available at the Planning Office; and,
29. That Planned Unit Development / PUD 16-01, 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.

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

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 25, 2016, Planning Commission meeting with the exception of the following:

1. Appeal of 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 Board of Commissioner's sustained the Planning Commission's decision to approve the extension of the Conditional Use Permit.
2. The Appeal of 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. The Board of Commissioners approved

the Veurink's request to continue this item to the May 17th Board of Commissioner's meeting.

And

3. The Second Reading of Rezone 16-03 and Comprehensive Plan Amendment 16-02 (Mitch Morris) was continued to the May 17th Board of Commissioner's meeting.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

21. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the April 2016 Building Permit Report.
- B. Planning Staff / Certification. Conover informed the Planning Commission that TJ Doreff is now certified in Erosion and Sediment Control Measures.
- C. VHR Ordinance Amendment. Conover stated the Ordinance Amendment for Section 319 - Vacation Home Rental will be heard at the May 23rd Planning Commission meeting.

22. ITEMS FROM THE MEMBERSHIP

Commissioner Ferebee spoke of Conditional Use Permit application requirements for single-wide mobile homes. He further spoke of Conditional Use Permit requirements for accessory structures, prior to a principal structure on a subject property. Commissioner Zvejnieks discussed Conditional Use Permit requirements for a multi-family dwelling.

Commissioner Ferebee also asked the Planning Staff to provide a few examples of properties with Overlay Districts. This item will be placed on the June 27, 2016, Planning Commission meeting.

23. ADJOURNMENT

Moved by Coleman and seconded by Zvejnieks to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:56 a.m.

Karen Hall, Chairperson