

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**May 23, 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 MAY 9, 2016, MINUTES  
**Moved by McCollam and seconded by Zvejnieks to approve the minutes of the May 9, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).**

2. APPROVAL OF THE AGENDA  
**Moved by Zvejnieks and seconded by McCollam to approve the Agenda of the May 23, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).**

**Moved by Zvejnieks and seconded by Coleman to approve the Consent Calendar of the May 23, 2016, Planning Commission Meeting, with the removal of Items #9, and #11. 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 90-43:** Auric Chlor, Inc. To review two mobile home located on the subject property in a Heavy Industrial District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Tract D, W-Y Addition, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 90-43.**

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

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

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

**To continue the review of Conditional Use Permit / CU 08-48 to the June 13, 2016, Planning Commission meeting, per the applicant's request.**

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

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

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

(Continued from the May 9, 2016, Planning Commission meeting.)

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

1. **That Conditional Use Permit / CU 14-06 is to consist of ten (10) seasonal cabins, manager's residence, maintenance shop and a kitchen;**
2. **That the minimum number of required parking spaces be continually maintained on the subject property. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance, which requires one parking space per guest bedroom and two parking spaces for every three employees;**
3. **That the property addresses continue to be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County's Ordinance #20;**
4. **That the operation of the Recreational Resort not interfere with the functioning or maintenance of Cosmos Road or Highway 16;**
5. **That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;**

6. That the property continually remains free of debris and junk vehicles and the property and all structures be well-maintained;
7. That all existing drainage ways be continually maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water, per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
8. That the applicant continues to maintain all necessary permits or licenses from other governing bodies for the operation of the Recreational Resort, including, but not limited to, a South Dakota Department of Health Lodging License and a Sales Tax License from the South Dakota Department of Revenue;
9. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;
10. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
11. That the applicant continues to maintain an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and a copy of said plan be kept on file at the Pennington County Planning Department;
12. That the interior graveled private driveway leading to the residence continues to be, at a minimum, ten (10) feet-wide and continues to have a sign on it to indicate that it is a private driveway;
13. That the interior access roads leading to the cabins continue to consist of, at a minimum, a 16-foot-wide graveled driving surface to accommodate two-way traffic;
14. That all exterior lighting continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That a smoke detector be continually located in each sleeping room, with a minimum of at least one (1) smoke detector per floor;

16. That portable fire extinguishers with a minimum 2 A-BC ratings be continually kept on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers be inspected and tagged annually;
17. That the physical address for the residence continue to be posted in each building on the subject property;
18. That prior to further development above and beyond: 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen, the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from U.S. 16 onto Cosmos Road;
19. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
20. That this Conditional Use Permit be reviewed in three (3) 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).**

6. **CONDITIONAL USE PERMIT REVIEW / CU 14-17:** Mary Corbin. To review a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Morning View Subdivision, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 14-17 with the following six (6) conditions:**

- 1 That the minimum setback requirements of a Suburban Residential 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 (22876 Moon Street) be continually posted so it is clearly visible from both directions of travel along Moon Street at all times in accordance with Pennington County's Ordinance #20;
- 4 That the mobile home have a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;

- 5 That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which requires a site plan to be reviewed and approved by the Planning Director; and,
- 6 That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Planning Commission or the County Board to verify that all Conditions of Approval are being met.

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

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-04:** Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick – Agent. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 15-04 to the June 13, 2016, Planning Commission meeting.**

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

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

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

**To approve of the extension of Conditional Use Permit / CU 15-10 with the following fourteen (14) conditions:**

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

3. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Local, State, and Federal requirements;
4. That all necessary Local, State, and Federal licenses and permits be maintained Occupation and that copies of these licenses and permits be provided to the Planning Department upon request;
5. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
6. That reasonable measures are continually taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
7. That the address (2745 Pioneer Drive) continue to be posted properly on the 48' x 56' Detached Garage (2002COBP0930) and at the approach off of Pioneer Drive in accordance with Pennington County's Ordinance #20;
8. That this Home Occupation not negatively impact Conditional Use Permit 98-12;
9. That upon sale or transfer of the subject property and/or the property the applicant currently resides on, CU 15-10 will automatically be revoked;
10. That there is no more than one (1) additional employee, excluding family members;
11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;
12. That the hours of operation continue to be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
13. That the property continues to remain free of debris and junk vehicles; and,
14. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

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

10. **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 Highway Service District and a General Agriculture District in accordance with Sections 205, 210 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 approve of Conditional Use Permit / CU 16-09 with the following eight (8) conditions:**

- 1. That both off-premise signs conform to all regulations in Section 312 of the Pennington County Zoning Ordinance at all times;**
- 2. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
- 3. That the applicant obtain a separate Sign Permit for both off-premise signs prior to any work being done;**
- 4. That the installation of any other off-premise signs on the property requires a separate Sign Permit to be obtained and this Conditional Use Permit must be reviewed and amended;**
- 5. That if the applicant decides to illuminate either off-premise sign, this Conditional Use Permit shall be revoked and the applicant will need to apply for a new Conditional Use Permit;**
- 6. That the applicant obtains a new State Billboard Permit for each sign;**
- 7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-09, which is available at the Planning Office; and,**
- 8. That this Conditional Use Permit be reviewed in two (2) years, as deemed necessary by the Pennington County Planning Commission or County Board of Commissions or on a complaint basis to verify that all Conditions of Approval are being met.**

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

- 12. LAYOUT PLAT / PL 16-03: Wyoming Dakota Railroad Properties / David Drach. To create Lot SD103-Lot 1 of WDRPI-SD103 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.**

**EXISTING LEGAL:** Located in the N1/2 of Section 36; T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot SD103-Lot 1 of WDRPI-SD103, Section 36; T1N, R15E, BHM, Pennington County, South Dakota.

**To approve of Layout Plat / PL 16-03 with the following thirteen (13) conditions:**

- 1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;**
- 2. That prior to filing the plat with Register of Deeds, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement;**
- 3. That prior to filing the plat with Register of Deeds, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 4. That prior to filing the plat with Register of Deeds, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 5. That the plat be drawn in accordance with the requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications (for all owners) and the scale of the plat to be no greater than one (1) inch equals 100 feet, or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 6. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 7. That at the time of construction of the railroad, the applicant obtains a Construction Permit from Pennington County if the disturbance is equal to or greater than 10,000 square feet;**
- 8. That at the time of construction of the railroad, the applicant obtains a General Permit for Storm Water Discharges Associated with Construction Activities from the South Dakota Department of Environment and Natural Resources if the disturbance is greater than one (1) acre;**
- 9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 10. That prior to any work within the Special Flood Hazard Area, a Floodplain Development Permit be obtained;**



11. That prior to submittal of the Preliminary Plat, that the Plat heading read “Lot 1 of WDRPI-SD103 Subdivision” as requested by the Register of Deeds;
12. That prior to filing the plat with Register of Deeds, setbacks are verified for the silos; and,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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

### **END OF CONSENT CALENDAR**

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

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

Bolstad asked to have this item removed from the Consent Calendar to note that staff had originally recommended approval of the extension of Conditional Use Permit / CU 15-11 with seven (7) conditions, but are now recommending approval of the extension of Conditional Use Permit / CU 15-11 with the following eight (8) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address be clearly posted on the new residence and road, so as to be visible from both directions on Nemo Road, in accordance with Pennington County’s Ordinance #20;
3. That upon completion of the new single-family residence, the range is removed from the current residence, so as to remove the living quarters and convert the residence back to a shop only;
4. That the applicant notify the Planning Department when the new single-family residence is complete and allow staff to verify that the living quarters have been removed from the shop;

5. That the comments provided by the U.S. Forest Service be adhered to at all times;
6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;
7. That, if needed, the applicant request an extension for Building Permit (COBP15-0295) and Conditional Use Permit / CU 15-11 prior to the applicable expiration of both permits, or a new Building Permit and Conditional Use Permit will be required; and,
8. That this Conditional Use Permit be reviewed at the May 22, 2017, Planning Commission meeting, 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 McCollam and seconded by Landers to approve of the extension of Conditional Use Permit / CU 15-11 with the following eight (8) conditions:**

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the address be clearly posted on the new residence and road, so as to be visible from both directions on Nemo Road, in accordance with Pennington County's Ordinance #20;**
- 3. That upon completion of the new single-family residence, the range is removed from the current residence, so as to remove the living quarters and convert the residence back to a shop only;**
- 4. That the applicant notify the Planning Department when the new single-family residence is complete and allow staff to verify that the living quarters have been removed from the shop;**
- 5. That the comments provided by the U.S. Forest Service be adhered to at all times;**
- 6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;**
- 7. That, if needed, the applicant request an extension for Building Permit (COBP15-0295) and Conditional Use Permit / CU 15-11 prior to the**

**applicable expiration of both permits, or a new Building Permit and Conditional Use Permit will be required; and,**

- 8. That this Conditional Use Permit be reviewed at the May 22, 2017, Planning Commission meeting, 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. CONDITIONAL USE PERMIT / CU 16-10: Dawn Richter. To allow a single-wide mobile home to be used as a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4, NE1/4NW1/4, Section 8, T1S, R17E, BHM, Pennington County, South Dakota.

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

Rausch reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a single-wide mobile home to be used as a single-family residence on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 16-10 with the following nine (9) conditions:

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System and prior to the installation of the proposed single-wide mobile home;
3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
6. 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;

7. That the address is clearly posted on the residence and so that it is visible from both directions of Highway 14 in accordance with Pennington County's Ordinance #20;
8. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-10; and,
9. That this Conditional Use Permit be reviewed in one (1) year, 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 Zvejnieks and seconded by McCollam to approve Conditional Use Permit / CU 16-10, per staff's recommendation, with nine (9) conditions.

SUBSTITUTE MOTION: Moved by Ferebee to approve and amend Condition #9 to state "That the Conditional Use Permit be reviewed on a complaint basis only." Seconded by Landers.

Roll call vote on Substitute Motion. Commissioners Coleman, Hall, Zvejnieks, and McCollam voted No. Commissioners Ferebee and Landers voted Yes. Substitute Motion failed on a vote of 2 to 4.

Vote on Original Motion to approve and leave Condition #9 as recommended by staff carried 6 to 0.

**Moved by Zvejnieks and seconded by McCollam to approve of Conditional Use Permit / CU 16-10 with the following nine (9) conditions:**

- 1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;**
- 2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System and prior to the installation of the proposed single-wide mobile home;**
- 3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
- 4. That the subject property remains free of debris and junk vehicles;**
- 5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**

6. **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;**
  7. **That the address is clearly posted on the residence and so that it is visible from both directions of Highway 14 in accordance with Pennington County's Ordinance #20;**
  8. **That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-10; and,**
  9. **That this Conditional Use Permit be reviewed in one (1) year, 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.**
13. CONDITIONAL USE PERMIT REVIEW / CU 99-22: South Canyon Country Estates Homeowner's Association. To review a community recreational area 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.

Supboon reviewed the Staff Report indicating this is a review of a community recreational area in a Suburban Residential District.

Staff recommended to continue the review of Conditional Use Permit / CU 99-22 to the June 13, 2016, Planning Commission meeting in order for staff to perform additional research on the subject property and also meet with the applicant.

**Moved by Landers and seconded by Coleman to continue the review of Conditional Use Permit / CU 99-22 to the June 13, 2016, Planning Commission meeting in order for staff to perform additional research on the subject property and also meet with the applicant.**

**All voting aye, the Motion carried 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.

(Continued from the May 9, 2016, Planning Commission meeting.)

Supboon reviewed that this item had been continued from the May 9, 2016, Planning Commission meeting for staff and the applicants to address the concerns of the Planning Commission.

Staff recommended approval of Conditional Use Permit Amendment / CU 89-36 with the following ten (10) conditions:

1. That the hours of operation be between 6:00 a.m. and 7:00 p.m.;
2. That upon the transfer of the subject property, the landowner notify the Planning Department and Conditional Use Permit / CU 89-36 be reviewed;
3. That Conditional Use Permit / CU 89-36 be automatically revoked one (1) year after Clyde Graumann or Dianne Graumann no longer operate the business or transfer the subject property;
4. 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;
5. 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;
6. That the home occupation be conducted within the enclosed structures located on the subject property;
7. That members of the family residing on the premises and no more than six (6) additional employees shall operate the business;
8. That appropriate measures be taken to protect the Hawthorne ditch from debris, sediment, or any other material entering the ditch;
9. 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,
10. 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 Zvejnieks and seconded by Coleman to approve of Conditional Use Permit Amendment / CU 89-36 with the following ten (10) conditions:

1. That the hours of operation be between 6:00 a.m. and 7:00 p.m.;
2. That upon the transfer of the subject property, the landowner notify the Planning Department and Conditional Use Permit / CU 89-36 be reviewed;
3. That Conditional Use Permit / CU 89-36 be automatically revoked one (1) year after Clyde Graumann or Dianne Graumann no longer operate the business or transfer the subject property;
4. 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;
5. 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;
6. That the home occupation be conducted within the enclosed structures located on the subject property;
7. That members of the family residing on the premises and no more than six (6) additional employees shall operate the business;
8. That appropriate measures be taken to protect the Hawthorne ditch from debris, sediment, or any other material entering the ditch;
9. 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,
10. 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.

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAT / PL 16-01: Donald Brassfield. To create Lot C1 and Lot C2 of Brassfield Subdivision in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot C of Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot C1 and Lot C2 of Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Layout Plat to create Lot C1 and Lot C2 of Brassfield Subdivision.

Staff recommended approval of Layout Plat / PL 16-01 with the following seven (7) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Lots C1 and C2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor Plat submittal, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-01, which is available at the Planning Office; and,
7. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Zvejnieks and seconded by Ferebee to approve of Layout Plat / PL 16-01 with the following seven (7) conditions:**



1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Lots C1 and C2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor Plat submittal, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-01, which is available at the Planning Office; and,
7. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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

16. LAYOUT PLAT / PL 16-02: Darlene Hutchinson; Fisk Land Surveying - Agent. To combine four lots to create Lot 8 Revised, Block 4 of Silver City Addition in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 5, 6, 7, and 8, Block 4, Silver City Addition, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 8 Revised, Block 4, Silver City Addition, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to combine four lots to create Lot 8 Revised, Block 4 of Silver City Addition.

Staff recommended approval of Layout Plat / PL 16-02 with the following twelve (12) conditions:

1. That at the time of a new Plat submittal, engineered road construction plans be submitted for St. Joseph Street or a Subdivision Regulations Variance be obtained waiving this requirement;
2. That St. Joseph Street be improved, per Table 1 of the Subdivision Regulations, or approval of a Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of a new Plat submittal, the applicant submits percolation tests and soil profile information for the lot to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
4. That at the time of submittal of a new Plat, the applicant submits topography at five foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of submittal of a new Plat, the heading be changed per the comments from the Register of Deeds and the Department of Equalization;
6. That at the time of submittal of a new Plat, the existing Carport and Shed be brought into compliance by the landowner;
7. That prior to a Plat being recorded with the Register of Deeds, Case COEV13-0083 be researched by staff and if necessary, the proper steps taken to bring the parcel into compliance;
8. That the plat be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
9. That the labeling of all proposed Lot designations be consistent throughout all future documents submitted by the applicant, up to and including documents for Final Plat approval;
10. That prior to a Plat being recorded with the Register of Deeds, all necessary Building Permits, as determined by staff, be applied for and approved;

11. That any new septic systems or additions to any existing structures will require the existing system to be reassessed and approved by the Pennington County Planning Department; and,
12. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

Discussion followed.

**Moved by Zvejnieks and seconded by Landers to approve of Layout Plat / PL 16-02 with the following twelve (12) conditions:**

- 1. That at the time of a new Plat submittal, engineered road construction plans be submitted for St. Joseph Street or a Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That St. Joseph Street be improved, per Table 1 of the Subdivision Regulations, or approval of a Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That the applicant is not required to submit percolation tests and soil profile hole information unless he / she obtains a Variance from the State to allow an on-site system on a lot less than 20,000 square feet;**
- 4. That at the time of submittal of a new Plat, the applicant submits topography at five foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That at the time of submittal of a new Plat, the heading be changed per the comments from the Register of Deeds and the Department of Equalization;**
- 6. That at the time of submittal of a new Plat, the existing Carport and Shed be brought into compliance by the landowner;**
- 7. That prior to a Plat being recorded with the Register of Deeds, Case COEV13-0083 be researched by staff and if necessary, the proper steps taken to bring the parcel into compliance;**
- 8. That the plat be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;**

9. That the labeling of all proposed Lot designations be consistent throughout all future documents submitted by the applicant, up to and including documents for Final Plat approval;
10. That prior to a Plat being recorded with the Register of Deeds, all necessary Building Permits, as determined by staff, be applied for and approved;
11. That any new septic systems or additions to any existing structures will require the existing system to be reassessed and approved by the Pennington County Planning Department; and,
12. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

All voting aye, the Motion carried 6 to 0.

17. 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.

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

Conover reviewed the Staff Report indicating this is a review of an addition to an existing electrical substation in a Limited Agriculture District

Staff recommended to continue the review of Conditional Use Permit / CU 14-08 to the June 27, 2016, Planning Commission meeting.

**Moved by Landers and seconded by McCollam to continue the review of Conditional Use Permit / CU 14-08 to the June 27, 2016, Planning Commission meeting.**

All voting aye, the Motion carried 6 to 0.

18. 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.

(Continued from the May 9, 2016, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicants have applied 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.

Staff recommended approval of Rezone / RZ 16-04 and Comprehensive Plan Amendment / CA 16-04.

Discussion followed.

**Moved by Ferebee and seconded by McCollam to approve of Rezone / RZ 16-04 and Comprehensive Plan Amendment / CA 16-04.**

**All voting, the Motion carried 5 to 1. Commissioner Coleman abstained.**

19. ORDINANCE AMENDMENT / OA 16-01: Pennington County. To amend Section 103 - Definitions; Section 208 - Suburban Residential District; and Section 319 - Vacation Home Rental Ordinance of the Pennington County Zoning Ordinance.

Conover reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 103, Section 208, and Section 319 of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 16-01 to amend Section 103, Section 208, and Section 319 of the Pennington County Zoning Ordinance.

Discussion followed on Section 319-F-12.

**Moved by Zvejnieks and seconded by Coleman to Table the discussion of Section 319-F-12 “The use of allowing open fires, fire pits, etc.” at the end of the discussion of the Ordinance Amendment.**

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

Discussion followed on Flood Hazard Areas.

**Moved by Ferebee and seconded by Landers to Table the discussion of Flood Hazard Areas at the end of the discussion of the Ordinance Amendment.**

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

Discussion followed on Section 319-G “Sign Notification Requirements” to include Flood Hazard Area on the Interior Informational Sign.

**Moved by Coleman and seconded by McCollam to add Item N “Flood Hazard Area” to Section 319-G “Sign Notification Requirements” on the Interior Informational Sign.**

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

Discussion further followed on Ordinance Amendment / OA 16-01.

**Moved by Zvejnieks and Coleman to approve Section 103 – Definitions to amend ref. SDCL 34-18-1-21 to SDCL 34-18-1-17.**

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

Discussion followed on Section 208 “Suburban Residential District” to add “Item 20 – to add Vacation Home Rental in accordance with Section 319” under Conditional Uses.

Planning Commission recessed at 11:50 a.m.

Planning Commission reconvened at 11:55 a.m.

Discussion continued.

**Moved by Ferebee and seconded by Landers to continue Ordinance Amendment / OA 16-01 until such time the VHR Committee is able to meet and address enforcement and penalties of VHRs in Suburban Residential Districts, the use of allowing open fires, fire pits, etc., VHRs in flood hazard areas, and numerical limits of VHRs in Zoning Districts / communities.**

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

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the May 9, 2016, Planning Commission meeting with the exception of the following:

1. 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 overruled the Planning Commission’s decision to deny this item.

And

2. The Second Reading of Rezone 16-03 and Comprehensive Plan Amendment 16-02 (Mitch Morris) was approved by the Board of Commissioners on May 17th.

21. ITEMS FROM THE PUBLIC

There were no motions or actions taken at this time.

22. ITEMS FROM THE STAFF

There were no items from staff.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Ferebee spoke of Roberts Rules of Order.

24. ADJOURNMENT

**Moved by Zvejnieks and seconded by Coleman to adjourn.**

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

**The meeting adjourned at 12:50 a.m.**

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Karen Hall, Chairperson