

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 13, 2016 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, Lori Litzen, William McCollam, Jim Coleman, Barbara Landers, and Lyndell Petersen.

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

ROLL CALL

1. APPROVAL OF THE MAY 23, 2016, MINUTES
Moved by Zvejnieks and seconded by Litzen to approve the minutes of the May 23, 2016, Planning Commission Meeting. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by Litzen and seconded by Landers to approve the Agenda of the June 13, 2016, Planning Commission Meeting. Vote: unanimous (7 to 0).

Moved by Zvejnieks and seconded by Litzen to approve the Consent Calendar of the June 13, 2016, Planning Commission Meeting, with the removal of Items #3, #6, #7, and #11; and Item #20 will be heard after Item #11. Vote: unanimous (7 to 0).

CONSENT CALENDAR

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

4. 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 May 9, 2016, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 99-37 with the following twenty (20) conditions:

- 1. That the mobile home park has a maximum of 41 mobile home spaces with one of the lots acting as the caretaker's or manager's residence;**
- 2. That each mobile home space be allowed one mobile home, manufactured home or modular home;**
- 3. That each mobile home be allowed decks and each mobile home space be allowed accessory structures with the issuance of an approved Building Permit;**
- 4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) continue to be maintained;**
- 5. That a minimum 10-foot separation between accessory structures (e.g. carports, sheds) and mobile homes on adjacent lots continue to be maintained;**
- 6. That a minimum 42-foot setback be continually maintained from Country Road to ensure adequate Right-of-Way for future improvements on Country Road;**
- 7. That a minimum front yard setback of ten (10) feet be continually maintained from all access roads within the mobile home park;**
- 8. That a minimum rear and side yard setback on all sides of the property of not less than ten (10) feet be continually maintained;**
- 9. That each mobile home space continue to have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than one hundred sixty two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 10. That a minimum of eleven (11) visitor parking spaces continue to be provided. Each space shall measure a minimum of 9 feet by 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;**
- 11. That the first 100 feet of the western interior roadway continue to be continually maintained with a chip seal surface at a minimum of 25-feet in width;**
- 12. That the interior roads be continually maintained in a dust free manner;**
- 13. That a stop sign be continually posted at the east intersection where the looped interior road and Country Road intersect;**

14. That all lot addresses continue to be posted property so they are clearly visible from Elkhorn Lane in accordance with Pennington County's Ordinance #20;
15. That a Building Permit be obtained for the removal or placement of mobile homes on the property;
16. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
17. That the mobile home park be provided with an on-site management office;
18. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;
19. That the use of the property continue to be in compliance with all local, state, and federal regulations; and,
20. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 05-23** Glen Lakner. To review a cemetery with two (2) burial plots in a General Agriculture District in accordance with Section 205 of the Pennington County Zoning Ordinance.

Government Lot 2, Section 3, T1S, R14E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 05-23 with the following three (3) conditions:

1. That any portion of the cemetery remains a minimum of 25 feet from any property line;
2. That a fence be placed around the outside of the cemetery once the cemetery is in use; and,
3. That this Conditional Use Permit be reviewed in five (5) years to ensure that all the Conditions of Approval have been met.

Vote: unanimous (7 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 09-25:** Steve Hobart. To review a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2SW1/4NE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the May 23, 2016, Planning Commission meeting.)

To end Conditional Use Permit / CU 09-25.

Vote: unanimous (7 to 0).

9. **CONDITIONAL USE PERMIT REVIEW / CU 11-02:** Jeff DeVeney. To review an internally 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 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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

To approve of the extension of Conditional Use Permit / CU 11-02 with the following nine (9) conditions:

1. **That this Conditional Use Permit only allows for one internally, illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;**
2. **That access to the site continue to be taken from Highway 385 and not from Penalua Gulch Road;**
3. **That all lighting be continually 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;**
4. **That the sign maintain a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a Right-of-Way;**

5. That a Sign Permit be obtained for any on-premise signs, which requires a site plan to be reviewed and approved by the Planning Director;
6. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
7. That the sign continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
8. That only on premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved Zoning Variance is obtained from the Pennington County Board of Commissioners waiving the distance to the nearest dwelling unit requirement and this CUP is amended to allow for an off-premise sign; and,
9. 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 or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

10. **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.

(Continued from the May 23, 2016, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 15-04 with the following fifteen (15) conditions:

- 1 That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
- 2 That the applicant provide a landline in case of an emergency;
- 3 That if any additions to the structure and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;

- 4 That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;**
- 5 That the applicant continually 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;**
- 6 That the applicant continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 7 That the minimum of two (2) off-street parking spaces continue to be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 8 That an interior information sign continue to 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 operating of the residence as a VHR;**
- 9 That the lot address (23632 Strato Bowl Road) continue to be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;**
- 10 That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;**
- 11 That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;**
- 12 That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;**
- 13 That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;**
- 14 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; and,**

15 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 or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

12. CONDITIONAL USE PERMIT / CU 16-12: TC Enterprises, Inc; Todd Schuetzle – Agent. To allow bicycle rentals, ATV rentals, and a retail shop as a home occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot D of Lot 13, Rochford Townsite Patent Subdivision, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 16-12 to the June 27, 2016, Planning Commission.

Vote: unanimous (7 to 0).

13. CONDITIONAL USE PERMIT / CU 16-13: Dennis Hubbard. To allow for a caretaker’s residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

E1/2E1/2NE1/4NW1/4 LESS ROW, Section 34, T2N, R15E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 16-13 with the following ten (10) conditions:

- 1. That the addresses for both the existing single-family residence and the proposed caretaker’s residence be posted on each residence and at the intersection of the driveway and 228th Street in accordance with Pennington County’s Ordinance #20;**
- 2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System to serve the caretaker’s residence 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 updated Doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dennis Hubbard;
7. 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;
8. That at the time a Building Permit is submitted for the caretaker's residence, the applicant also obtain an approved Building Permit for both structures that were previously built without Building Permits, which requires a site plan to be reviewed and approved by the Planning Director and all applicable fees paid;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-13, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

14. **CONDITIONAL USE PERMIT / CU 16-15:** Tom or Lynne Distler. To allow a Recreational Vehicle to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 16-15 with the following nine (9) conditions:

1. That the address for the residence (13849 Neck Yoke Road) be posted at the driveway so that it is visible from both directions of travel on Neck Yoke Road in accordance with Pennington County's Ordinance #20;
2. That the On-Site Wastewater Treatment System be installed prior to the Recreational Vehicle (RV) being used as a temporary residence, and the RV

must be hooked into the newly installed On-Site Wastewater Treatment System until the single-family residence is habitable;

3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. 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;
6. That the RV no longer be used as a temporary residence once the new single-family residence is habitable, following which it may only be allowed to be stored on the property;
7. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be automatically revoked;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval, which is available at the Planning Department; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

15. **LAYOUT PLAT / PL 16-08:** William or Lila Kozel; Sperlich Consulting – Agent. To reconfigure lot lines to create Lots 1, 2, and 3 of Kozel Subdivision in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 1 of Corbin Subdivision, Lot D of W-M Subdivision, and That Pt of NE1/4NW1/4 Lying N and E of Nemo Road Less Tract 1, Corbin Sub; Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Kozel Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of Layout Plat / PL 16-08 with the following eleven (11) 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 2 and 3 of Kozel Subdivision 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 Certificate of Ownership should read "William J. Kozel & Lila M. Kozel, as Co-Trustees of the William J. Kozel Family Land Trust";
7. That proposed Lots 2 and 3 of Kozel Subdivision be Rezoned and a Comprehensive Plan Amendment obtained or an approved Lot Size Variance is obtained prior to filing the Plat with the Register of Deeds;
8. That the structure that appears to be an outhouse on Proposed Lot 1 is removed or verified to be a tool shed or similar structure;
9. That prior to a Building Permit being issued for Proposed Lots 2 and/or 3, the landowner meet with the Pennington County Fire Coordinator to develop a Wildland Fire Mitigation Plan, and said plan be submitted at the time of a Building Permit application;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-08, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Vote: unanimous (7 to 0).

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

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

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

To continue the review of Mining Permit / MP 16-01 to the July 11, 2016, Planning Commission meeting.

Vote: unanimous (7 to 0).

17. **CONSTRUCTION PERMIT / CP 16-03:** West River Electric Association. To grade the site for construction of a new electrical substation.

Lot 1 of SE1/4SE1/4, Section 25, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 16-03 with the following eight (8) conditions:

1. **That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities within thirty (30) days of approval of CP 16-03 and 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 and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
3. **That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;**
4. **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;**

5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
6. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
7. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
8. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

3. 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.

(Continued from the May 23, 2016, Planning Commission meeting.)

Commissioner Landers asked to have this item removed from the Consent Calendar for discussion.

Supboon explained that this is a review of a community recreational area in South Canyon Country Estates.

Staff recommended approval of the extension of Conditional Use Permit / CU 99-22 with the following twelve (12) conditions:

1. That a minimum of twenty-two (22) off-street parking spaces continue to be maintained to serve park uses. The parking area is to be kept in a dust free manner;

2. That this Conditional Use Permit be reviewed if any additional uses or structures will be added to ensure that adequate parking is maintained and the applicant must notify the Planning Department prior to any work being done;
3. That the park hours be between 6:00 a.m. and 11 p.m.;
4. That a Building Permit be obtained, with all applicable fees paid, for each existing shed in order to bring the subject property into compliance;
5. That a Removal Permit be obtained prior to the removal of any existing structure from the subject property;
6. 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;
7. That a Construction Permit be obtained prior to engaging in any excavation, clearing, or land disturbance greater than or equal to 10,000 square feet;
8. That the address, 1520 Kings Road, be properly posted on the structure next to the swimming pool, so it is clearly visible from both directions of travel along Kings Road in accordance with Pennington County's Ordinance #20;
9. That if the new uses in the park generate greater wastewater flow than the existing septic system is designed to handle, the applicant will be required to either update the existing septic system or install a new septic system. 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;
10. That the subject property continues to remain free of debris and junk vehicles;
11. That all structures maintain proper setbacks from property lines, on-site utilities and easements or the applicant obtains approval of the required Variances; and,
12. 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 Landers and seconded by Zvejnieks to approve of the extension of Conditional Use Permit / CU 99-22 with the following twelve (12) conditions:

- 1. That a minimum of twenty-two (22) off-street parking spaces continue to be maintained to serve park uses. The parking area is to be kept in a dust free manner;**

2. That this Conditional Use Permit be reviewed if any additional uses or structures will be added to ensure that adequate parking is maintained and the applicant must notify the Planning Department prior to any work being done;
3. That the park hours be between 6:00 a.m. and 11 p.m.;
4. That a Building Permit be obtained, with all applicable fees paid, for each existing shed in order to bring the subject property into compliance;
5. That a Removal Permit be obtained prior to the removal of any existing structure from the subject property;
6. 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;
7. That a Construction Permit be obtained prior to engaging in any excavation, clearing, or land disturbance greater than or equal to 10,000 square feet;
8. That the address, 1520 Kings Road, be properly posted on the structure next to the swimming pool, so it is clearly visible from both directions of travel along Kings Road in accordance with Pennington County's Ordinance #20;
9. That if the new uses in the park generate greater wastewater flow than the existing septic system is designed to handle, the applicant will be required to either update the existing septic system or install a new septic system. 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;
10. That the subject property continues to remain free of debris and junk vehicles;
11. That all structures maintain proper setbacks from property lines, on-site utilities and easements or the applicant obtains approval of the required Variances; and,
12. 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 7 to 0.

6. CONDITIONAL USE PERMIT REVIEW / CU 08-27: Soderquist Family Ranch LTD Partners. To review a single-wide mobile home as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All less Right-of-Way, Wasta Township No. 2, Section 19, T1N, R14E, BHM, Pennington County, South Dakota.

Commissioner Landers asked to have this item removed from the Consent Calendar for discussion.

Molitor explained that this is a review of a single-wide mobile home as a single-family residence.

Staff recommended approval of the extension of Conditional Use Permit / CU 08-27 with the following six (6) conditions:

1. That the address continues to be properly posted on both the structure and the approach off of Base Line Road in accordance with Pennington County's Ordinance #20;
2. That the property continues to remain free of debris and junk vehicles;
3. That all natural drainage paths are continually maintained;
4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That a Floodplain Development Permit be submitted for review and approval prior to any work or placement of any structure within the boundaries of the Special Flood Hazard Area; and,
6. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as deemed necessary by the Board of Commissioners or the Planning Commission to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and seconded by Landers to approve of the extension of Conditional Use Permit / CU 08-27 with the following six (6) conditions:

1. **That the address continues to be properly posted on both the structure and the approach off of Base Line Road in accordance with Pennington County's Ordinance #20;**

2. **That the property continues to remain free of debris and junk vehicles;**
3. **That all natural drainage paths are continually maintained;**
4. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
5. **That a Floodplain Development Permit be submitted for review and approval prior to any work or placement of any structure within the boundaries of the Special Flood Hazard Area; and,**
6. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as deemed necessary by the Board of Commissioners or the Planning Commission to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

7. 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.

(Continued from the May 23, 2016, Planning Commission meeting.)

Commissioner Landers asked to have this Item removed from the Consent Calendar for discussion.

Supboon stated this is a review of accessory structures (garage and pump house) without a primary structure.

Staff recommended approval the extension of Conditional Use Permit / CU 08-48 with the following ten (10) conditions:

- 1 That the address (13621 Twisted Pines Trail) be properly posted on both the structure and the approach off of Twisted Pines Trail in accordance with Pennington County's Ordinance #20;
- 2 That a new Building Permit be obtained for each structure prior to the construction of the proposed structures;

- 3 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;
- 4 That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations, including obtaining necessary licenses and permits;
- 5 That proper setbacks be maintained for all structures located on the property or an approved Setback Variance be obtained;
- 6 That the proposed garage be used for personal use only, and no commercial-type uses or home-based business;
- 7 That the property remains free of debris and junk vehicles;
- 8 That the applicant must obtain an approved Building Permit and complete the construction of the proposed structure prior to May 24, 2017.
- 9 That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 04-48, which is available at the Planning Department; and,
- 10 That this Conditional Use Permit be reviewed in one (1) year, upon 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 McCollam to approve the extension of Conditional Use Permit / CU 08-48 with the following ten (10) conditions, with a change to Condition #8:

- 1 That the address (13621 Twisted Pines Trail) be properly posted on both the structure and the approach off of Twisted Pines Trail in accordance with Pennington County's Ordinance #20;**
- 2 That a new Building Permit be obtained for each structure prior to the construction of the proposed structures;**
- 3 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;**
- 4 That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all**

necessary State and County regulations, including obtaining necessary licenses and permits;

- 5 That proper setbacks be maintained for all structures located on the property or an approved Setback Variance be obtained;
- 6 That the proposed garage be used for personal use only, and no commercial-type uses or home-based business;
- 7 That the property remains free of debris and junk vehicles;
- 8 That the applicant must obtain an approved Building Permit and complete the construction of the proposed structure prior to May 24, 2017, that this Conditional Use Permit automatically be revoked;
- 9 That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 04-48, which is available at the Planning Department; and,
- 10 That this Conditional Use Permit be reviewed in one (1) year, upon a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

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

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

Commissioner Litzen removed this Item from the Consent Calendar for discussion.

Bolstad explained that this item had been Appealed to the Board of Commissioners by the applicants and approved on May 17, 2016. In compliance with Condition #17 of the approved Conditions of Approval, this item is being heard at today's meeting.

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

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people, per Pennington County Zoning Ordinance Section 319-F-13;

2. That the landowner provide a working phone within the Vacation Home Rental in case of an emergency and list the phone number on the interior informational sign within the Vacation Home Rental;
3. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
4. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
9. That the lot address be posted on the residence at all times and so that it is clearly visible from Barrel Springs Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Rochelle Lee, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
14. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman to deny Conditional Use Permit / CU 16-05, as portions of the property are located in the floodway / floodplain. Seconded by Zvejnieks.

SUBSTITUTE MOTION: Moved by Coleman and seconded by Zvejnieks to deny Conditional Use Permit / CU 16-05, as portions of the single-family residence are located in the floodway / floodplain.

All voting aye, the Motion carried 7 to 0.

20. CONDITIONAL USE PERMIT / CU 16-16: Carey or Deborah Kassube. To allow a commercial storage rental and painting business in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1-2 of J and Lot J of Parcel 2, Canyon Park Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

Bolstad asked that this Item be continued to the June 27th Planning Commission meeting, per the request of the applicant.

Discussion followed.

Moved by Landers and seconded by Coleman to continue Conditional Use Permit / CU 16-16 to the June 27, 2016, Planning Commission meeting, per the request of the applicant.

All voting aye, the Motion carried 7 to 0.

18. CONDITIONAL USE PERMIT / CU 16-11: The Gathering of Eagles; Christopher Lord - Agent. To allow for a temporary assembly of people for a five-day spiritual gathering in a General Agriculture District in accordance with Sections 205, 314, and 510 of the Pennington County Zoning Ordinance.

NW1/4NW1/4 of Section 17, T1N, R3E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for a temporary assembly of people for a five-day spiritual gathering in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 16-11 with the following sixteen (16) conditions:

1. That the address (23120 S. Rochford Road) continue to be posted at the entrance to the property so that it is visible from both directions of S. Rochford Road in accordance with Pennington County's Ordinance #20;
2. That the applicant shall document that provisions have been made to provide drinking water at the rate of one (1) gallon per person per day and water for washing at the rate of two (2) gallons per person per day. Each tank load of water shall be chlorinated at the filling location to provide at least 3ppm available chlorine;
3. That the applicant provide at least one (1) separate enclosed toilet for every 50 attendees to be conveniently located on the subject property and meet all State and local requirements regarding storage and disposal of the waste;
4. That the applicant provide a dumpster on the subject property for the duration of the event, and that all garbage must be disposed of in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution;
5. That a minimum of one (1) security guard for every 200 people be on the subject property at all times and all security personnel must be at least 18 years old;
6. That no fires, other than one (1) ceremonial fire, be allowed on the subject property at any time and either a fire extinguisher (with a minimum rating of 4A;60BC) or a water container be available at all times;
7. That prior to the commencement of the ceremonial fire, an Open Fire Permit be obtained from South Dakota Wildland Fire;

8. That a 36-unit first aid kit will be made available to the attendees on the subject property;
9. That one public or private telephone is provided within 1/8 mile of the campground or event and a card shall be posted at the phone location identifying the location of the event;
10. That a maximum of 150 people be allowed to camp or take part in the “Gathering of Eagles” and the use of the temporary campground and event shall be limited from June 21, 2016 to June 25, 2016;
11. That a minimum of 38 parking spaces be available to the attendees (one for every 4 attendees) on the subject property;
12. That the applicant contacts the Hill City Volunteer Fire Department and Hill City Ambulance five (5) days prior to the start of the event;
13. That the property be cleaned after the proposed campground and event no later than July 1, 2016;
14. That staff perform a second site visit after July 1, 2016;
15. That the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department; and,
16. That this Conditional Use Permit be reviewed at the July 11, 2016, Planning Commission meeting to verify that all Conditions of Approval have been met.

Discussion followed.

Moved by Zvejnieks and seconded by Landers to approve of Conditional Use Permit / 16-11 with a change to Condition #6 to also add the sweat lodge.

SUBSTITUTE MOTION: Moved by Zvejnieks and seconded by Landers to approve of Conditional Use Permit / 16-11 with the following sixteen (16) conditions, with a change to Conditions #6 and #7 to include the sweat lodge fire:

- 1. That the address (23120 S. Rochford Road) continue to be posted at the entrance to the property so that it is visible from both directions of S. Rochford Road in accordance with Pennington County’s Ordinance #20;**
- 2. That the applicant shall document that provisions have been made to provide drinking water at the rate of one (1) gallon per person per day and water for washing at the rate of two (2) gallons per person per day. Each tank load of water shall be chlorinated at the filling location to provide at least 3ppm available chlorine;**

3. That the applicant provide at least one (1) separate enclosed toilet for every 50 attendees to be conveniently located on the subject property and meet all State and local requirements regarding storage and disposal of the waste;
4. That the applicant provide a dumpster on the subject property for the duration of the event, and that all garbage must be disposed of in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution;
5. That a minimum of one (1) security guard for every 200 people be on the subject property at all times and all security personnel must be at least 18 years old;
6. That no fires, other than one (1) ceremonial fire and sweat lodge fire, be allowed on the subject property at any time and either a fire extinguisher (with a minimum rating of 4A;60BC) or a water container be available at all times;
7. That prior to the commencement of the ceremonial fire and sweat lodge fire, an Open Fire Permit be obtained from South Dakota Wildland Fire;
8. That a 36-unit first aid kit will be made available to the attendees on the subject property;
9. That one public or private telephone is provided within 1/8 mile of the campground or event and a card shall be posted at the phone location identifying the location of the event;
10. That a maximum of 150 people be allowed to camp or take part in the "Gathering of Eagles" and the use of the temporary campground and event shall be limited from June 21, 2016 to June 25, 2016;
11. That a minimum of 38 parking spaces be available to the attendees (one for every 4 attendees) on the subject property;
12. That the applicant contacts the Hill City Volunteer Fire Department and Hill City Ambulance five (5) days prior to the start of the event;
13. That the property be cleaned after the proposed campground and event no later than July 1, 2016;
14. That staff perform a second site visit after July 1, 2016;
15. That the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department; and,

16. **That this Conditional Use Permit be reviewed at the July 11, 2016, Planning Commission meeting to verify that all Conditions of Approval have been met.**

All voting aye, the Motion carried 7 to 0.

19. CONDITIONAL USE PERMIT / CU 16-14: Ron Toof. To allow a Recreational Vehicle to be used as temporary living quarters on the subject property, while the applicant works to replace the single-wide mobile that was destroyed by fire, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle to be used as temporary living quarters on the subject property, while the applicant works to replace the single-wide mobile that was destroyed by fire, in a Suburban Residential District

Staff recommended approval of Conditional Use Permit / CU 16-14 with the following thirteen (13) conditions:

1. That a Recreational Vehicle (RV) may be utilized as living quarters on the property for a period of time not to exceed one (1) year from the date of approval of Conditional Use Permit / CU 16-14;
2. That Conditional Use Permit / CU 16-14 will automatically end one (1) year from the date of approval;
3. That there be no more than one (1) Recreational Vehicle (RV) allowed on the subject property;
4. That an Operating Permit be obtained for the on-site wastewater treatment system located on the subject property within ninety (90) days of approval of Conditional Use Permit / CU 16-14;
5. That the Recreational Vehicle (RV) be hooked into the existing on-site wastewater treatment system until the new mobile home is habitable;
6. That an approved Building Permit be obtained prior to placement of a new mobile home on the subject property, which requires a site plan to be reviewed and approved by the Planning Director;
7. That upon placement or installation of a new mobile home on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;

8. That the address assigned to the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters or at the driveway, so as to be visible from both directions on Raveen Drive in accordance with Pennington County's Ordinance #20;
9. That the property remain free of excess debris and junk, in accordance with Pennington County's Ordinance #106;
10. That this Conditional Use Permit is only valid for Lot 7, Block 1, Mesa View Estates Subdivision #1;
11. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
12. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-14, which is available at the Planning Office; and,
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Zvejnieks to approve of Conditional Use Permit / CU 16-14 and amend Conditions #1 and #13 to change the language "one year" to "six (6) months" and to amend Conditions #5, #6, and #7 to change the word "new" to "replacement." Seconded by Coleman.

SUBSTITUTE MOTION: Moved by Zvejnieks and seconded by Coleman to approve of Conditional Use Permit / CU 16-14 with the following thirteen (13) conditions and to amend Conditions #5, #6, and #7 to change the word "new" to "replacement" and to amend Condition #13 to change the wording "one year" to "six (6) months":

- 1. That a Recreational Vehicle (RV) may be utilized as living quarters on the property for a period of time not to exceed one (1) year from the date of approval of Conditional Use Permit / CU 16-14;**
- 2. That Conditional Use Permit / CU 16-14 will automatically end one (1) year from the date of approval;**
- 3. That there be no more than one (1) Recreational Vehicle (RV) allowed on the subject property;**

4. That an Operating Permit be obtained for the on-site wastewater treatment system located on the subject property within ninety (90) days of approval of Conditional Use Permit / CU 16-14;
5. That the Recreational Vehicle (RV) be hooked into the existing on-site wastewater treatment system until the replacement mobile home is habitable;
6. That an approved Building Permit be obtained prior to placement of a replacement mobile home on the subject property, which requires a site plan to be reviewed and approved by the Planning Director;
7. That upon placement or installation of a replacement mobile home on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
8. That the address assigned to the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters or at the driveway, so as to be visible from both directions on Raveen Drive in accordance with Pennington County's Ordinance #20;
9. That the property remain free of excess debris and junk, in accordance with Pennington County's Ordinance #106;
10. That this Conditional Use Permit is only valid for Lot 7, Block 1, Mesa View Estates Subdivision #1;
11. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
12. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-14, which is available at the Planning Office; and,
13. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

21. LAYOUT PLAT / PL 16-07: Raymond and Shirley Darrough; Fisk Land Surveying – Agent. To create Lots A and B of Loveland Canyon Estates #2 in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SE1/4SW1/4, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Loveland Canyon Estates #2, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to create Lots A and B of Loveland Canyon Estates #2.

Staff recommended approval of Layout Plat / PL 16-07 with the following thirteen (13) conditions:

1. That at the time of submittal of a new Plat, the applicant submits topography at five foot intervals or a Subdivision Regulation Variance be obtained waiving this requirement;
2. That the plat continue to 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;
3. That prior to a Building Permit being issued for Proposed Lot B, the landowner meet with the Pennington County Fire Coordinator to develop a Wildland Fire Mitigation Plan, and said plan be submitted at the time of a Building Permit application;
4. That the labeling of all proposed Lot designations continue to be consistent throughout all future documents submitted by the applicant, up to and including (if necessary) documents for Final Plat approval;
5. That the landowner be made aware of the above-mentioned comments from the United States Forest Service;
6. That prior to a plat being recorded with the Register of Deeds, the powerlines and easement (if applicable) for Black Hills Electric Cooperative be shown on the plat;
7. That at the time of submittal of a new Plat, in addition to the note for the Utility and Minor Drainage easement, a note for the Proposed Major Drainage Easement be added to the Plat to read, “Any major drainage easement show hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences,

hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.”

8. That the addresses for Proposed Lot A and Proposed Lot B (when applicable), be clearly posted on the residence and so that it is visible from both Nemo Road and Hazel Lane, respectively, in accordance with Pennington County’s Ordinance #20;
9. That at the time of a new plat submittal, the plat continue to show an eight (8) foot minor drainage and utility easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
10. The prior to a plat being filed with the Register of Deeds, either a Lot Size Variance for both Proposed Lot A and Proposed Lot B be obtained or a Rezone and Comprehensive Plan Amendment for Proposed Lot A and Proposed Lot B be obtained;
11. That any new septic systems for Proposed Lot B and additions to any existing structures for Proposed Lot A, will require the existing system to be reassessed and approved by the Pennington County Planning Department;
12. That prior to a new plat application or within ten (10) business days of approval of PL 16-07 (whichever comes first), the Landowner signs a Statement of Understanding (SOU) for PL 16-07; the SOU is available at the Planning Department.
13. 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 Litzen and seconded by Coleman to approve of Layout Plat / PL 16-07 with the following thirteen (13) conditions:

- 1. That at the time of submittal of a new Plat, the applicant submits topography at five foot intervals or a Subdivision Regulation Variance be obtained waiving this requirement;**
- 2. That the plat continue to 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;**

3. That prior to a Building Permit being issued for Proposed Lot B, the landowner meet with the Pennington County Fire Coordinator to develop a Wildland Fire Mitigation Plan, and said plan be submitted at the time of a Building Permit application;
4. That the labeling of all proposed Lot designations continue to be consistent throughout all future documents submitted by the applicant, up to and including (if necessary) documents for Final Plat approval;
5. That the landowner be made aware of the above-mentioned comments from the United States Forest Service;
6. That prior to a plat being recorded with the Register of Deeds, the powerlines and easement (if applicable) for Black Hills Electric Cooperative be shown on the plat;
7. That at the time of submittal of a new Plat, in addition to the note for the Utility and Minor Drainage easement, a note for the Proposed Major Drainage Easement be added to the Plat to read, "Any major drainage easement show hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source."
8. That the addresses for Proposed Lot A and Proposed Lot B (when applicable), be clearly posted on the residence and so that it is visible from both Nemo Road and Hazel Lane, respectively, in accordance with Pennington County's Ordinance #20;
9. That at the time of a new plat submittal, the plat continue to show an eight (8) foot minor drainage and utility easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
10. The prior to a plat being filed with the Register of Deeds, either a Lot Size Variance for both Proposed Lot A and Proposed Lot B be obtained or a Rezone and Comprehensive Plan Amendment for Proposed Lot A and Proposed Lot B be obtained;
11. That any new septic systems for Proposed Lot B and additions to any existing structures for Proposed Lot A, will require the existing system to be reassessed and approved by the Pennington County Planning Department;

12. **That prior to a new plat application or within ten (10) business days of approval of PL 16-07 (whichever comes first), the Landowner signs a Statement of Understanding (SOU) for PL 16-07; the SOU is available at the Planning Department.**
13. **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 7 to 0.

22. REZONE / RZ 16-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-05: Raymond and Shirley Darrough; Fisk Land Surveying – Agent. To rezone 10.00 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

NE1/4SE1/4SW1/4 of Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment to rezone 10.00 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

Staff recommended approval of Rezone / RZ 16-05 and Comprehensive Plan Amendment / CA 16-05.

Discussion followed.

Moved by Coleman and seconded by Litzen to approve of Rezone / RZ 16-05 and Comprehensive Plan Amendment / CA 16-05.

All voting aye, the Motion carried 7 to 0.

23. PLANNED UNIT DEVELOPMENT / PU 16-03: Dan and Nancy Evangelisto. To rezone 12.91 acres from General Agriculture District to a Planned Unit Development to allow for a Specialty Resort Development to include uses such as vacation home rentals, weddings, receptions, picnics, family reunions, satellite church for 100-150 people, church functions, parties, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11

and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to rezone 12.91 acres from General Agriculture District to a Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, satellite church for 100-150 people, church functions, parties, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties.

Conover further provided the Planning Commission and the applicants a copy of the County Fire Coordinator's comments.

Staff originally recommended approval of Planned Unit Development / PU 16-03 with sixty (60) conditions, but now is recommending approval with the following sixty-one (61) conditions:

1. That the applicant's sign a Statement of Understanding (SOU) within ten (10) days of the Second Reading of PUD 16-03. The SOU is available at the Planning Department;
2. That a Building Permit be obtained 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;
3. That the applicants ensure the residential character of the property is maintained;

4. That the specialty resort be conducted by members of the family residing on the premises and no more than five (5) additional persons, which includes contracted employees for Spa massages;
5. That all natural drainage paths be continually maintained;
6. That the business sign (the one proposed, by the applicant, for placement on the brick wall by the applicant) which directs attention to the Bed and Breakfast, shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
7. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20;
8. That the applicant maintain an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on lot 45;
10. That the driveways consist of a 24-foot-wide, graveled driving surface to accommodate two-way traffic;
11. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
12. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis, and are not to be erected year-round or the applicant apply for a regular Building Permit and erect a permanent structure.;
13. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
14. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;

15. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
16. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
17. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental;
20. That port-a-potties may be utilized by the guests of the events for wastewater disposal at a ratio of one port-a-potty per 50 guests. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
21. That prior to the placement of any on and off-premise signs, the applicant must obtain approval of a Sign Permit;
22. 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 / PU16-03;
23. That Summer Creek Drive have a minimum of 4-inches of gravel to the applicants' driveway and maintained in a dust free manner;
24. That a barrier be placed along Summer Creek Road and the parking spaces, prohibiting people from backing directly into the right-of-way of Summer Creek Drive;
25. That the Planned Unit Development consist of, not more than 40 structures, consisting of single-family dwellings, detached accessory buildings, vacation home rental, specialty resort, bed and breakfasts, and event building;
26. That dwellings of two stories, within the Planned Unit Development must have a heated, enclosed floor area of at least 1,400 sq. feet; having not less than 800 sq feet of heated area on the main floor, not including basements, porches, screened porches, garaged or stoops;

27. That dwellings of a single-story, within the Planned Unit Development, shall have a heated enclosed ground floor area of at least 1,000 sq. feet, not including basements, porches, screened porches, garages or stoops;
28. That all split level or multi-level dwellings (not including two story dwellings), within the Planned Unit Development, shall have a heated enclosed floor area of at least 1,300 sq. feet, not including: porches, screened porches, garages, stoops, or basements, unless approved in writing by the Developer, prior to a Building Permit being approved by the Planning Director;
29. That all enclosed attached and detached garages, within the Planned Unit Development, must be a minimum of 265 square feet, unless otherwise approved in writing by the Developer, prior to a Building Permit being approved by the Planning Director;
30. That all garages, within the Planned Unit Development shall be constructed in substantial architectural conformity with the construction of the dwelling;
31. That all ancillary/accessory structures and storage sheds, within the Planned Unit Development must be approved in writing by the Developer or architectural review board and must be maintained by the lot owner;
32. That carports and pole buildings are not allowed within the Planned Unit Development;
33. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;
36. That each lot owner shall provide off-street parking spaces for at least two vehicles, prior to the occupancy of any dwelling constructed on said lot, in accordance with reasonable standards established by the Developer, with a minimum size requirement of nine (9) feet by eighteen (18) feet;
37. That all boats, motorcycles, trailers, travel trailers, campers, or other recreational vehicles, not to exceed two in number, must be parked and/or stored within a garage or fully enclosed ancillary/accessory structures;
38. That any vehicle that is required to be registered with the South Dakota Department of Motor Vehicles, which is not so registered, may not be kept on the lot, unless such vehicle is stored in an enclosed garage;
39. That any non-operating vehicles, equipment, unused objects or apparatus, or any portion thereof, shall not be permitted to remain on any lot;

40. That no more than two of the following may be parked on any lot within the Planned Unit Development and must be stored within an enclosed garage or an ancillary/accessory structures: boats, motorcycles, trailers, travel trailers, campers, or other recreational vehicles;
41. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer and/or architectural review board prior to the issuance of a Sign Permit issued by the Planning Director;
42. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one event site sign located on retaining wall on Lots 10-11-12, similar to the development sign; other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD16-03;
43. That Lots 3, 4, 10, 11, and 12 of the Specialty Resort, be for a Bed and Breakfast up to ten rooms and events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, Christmas parties and other types of small gatherings similar in nature up to a maximum of 100 guests. The Specialty Resort also be allowed to have: Beer and Wine sales, a Bistro, Gift Shop, Spa (massages only), cabana/gazebo, storage shed, and to also be used as a Vacation Home Rental and Private single family residence;
44. That Lots 13,14,15,16,17,18,20,21,28,29,30-37, and 41 each allow for one of the following with approved permits: Single-family dwelling, vacation home rental; bed and breakfast, or specialty resort;
45. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, for use by resident's and/or guest of the PUD residents without any form of payment to the applicant(s) for landowner(s) or for one of the following with approved permits: single family dwelling, vacation home rental, bed and breakfast, and specialty resort. The existing onsite wastewater treatment systems must comply with Section 204-J and obtain an operating permit prior to County Board approval;
46. That Lots 19 and 22 each allow for one of the following with approved permits: single-family residence with guest house living quarters within a detached accessory building, duplex, vacation home rental, bed and breakfast, and specialty resort;

47. That Lot 23B allow for one of the following with approved permits: single-family dwelling, vacation home rental, bed and breakfast, specialty resort, and easement (with property permits) for future underground holding tanks for designed and engineered water system;
48. That Lot 27 allow for one of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters, living quarters within a detached accessory building, duplex, vacation home rental, bed and breakfast, and specialty resort;
49. That Lots 41, 42, 43, and 44 allow for one of the following with approved permits: specialty resort, bed and breakfast, single-family dwelling, and vacation home rental;
50. That Lot 45 allow for one of the following with approved permits (if applicable): parking lot, specialty resort, bed and breakfast, single-family dwelling and vacation home rental;
51. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
52. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
53. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
54. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
55. That Lot 29 have a fifteen (15) foot front, rear and side yard setbacks;
56. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
57. Proposed guest houses, on specified Lots, must comply with Section 318 of the Pennington County Zoning Ordinance.
58. The Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval;
59. That Conditional Use Permit / CU 14-04 end;

60. That prior to a Building Permit being applied for in PUD 16-03, the applicants of the PUD meet with the Pennington County Fire Coordinator to develop an acceptable Fire Mitigation Plan. Future construction with the PUD will require the landowners to sign the approved Fire Mitigation Plan prior to an approved Building Permit being received; and,
61. That this Planned Unit Development be reviewed on April 24, 2017, on a complaint basis or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

Discussion followed.

Moved by Landers and seconded by Coleman to continue Planned Unit Development / PU 16-03 to the June 27, 2016, Planning Commission meeting to address the concerns of the Planning Commission.

All voting aye, the Motion carried 7 to 0.

24. COUNTY BOARD REPORT

The Board of Commissioners concurrent with the Planning Commission's recommendations from the May 23, 2016, Planning Commission meeting.

25. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

Commissioner McCollam left the meeting at 12:10 p.m.

26. ITEMS FROM THE STAFF

There were no items from staff.

27. ITEMS FROM THE MEMBERSHIP

Commissioners Zvejnieks and Litzen spoke of development in Pennington County. Commissioner Landers spoke of the Planning Commission packets.

13. RECONSIDERATION OF CONDITIONAL USE PERMIT / CU 16-13: Dennis Hubbard. To allow for a caretaker's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The applicant stated he came late to the meeting and would like to have his item heard again to address some of the Conditions of Approval.

Moved by Zvejnieks and Litzen to remove Item #13 from the Consent Calendar. All voting aye, the Motion carried 7 to 0.

Moved by Landers and seconded by Coleman to Reconsider Item #13. All voting aye, the Motion carried 7 to 0.

Discussion followed on the applicant's Conditional Use Permit.

Moved by Landers and seconded by Zvejnieks to approve Conditional Use Permit / CU 16-13 with the following ten (10) conditions:

- 1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the intersection of the driveway and 228th Street in accordance with Pennington County's Ordinance #20;**
- 2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System to serve the caretaker's residence 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 updated Doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dennis Hubbard;**
- 7. 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;**
- 8. That at the time a Building Permit is submitted for the caretaker's residence, the applicant also obtain an approved Building Permit for both structures that were previously built without Building Permits, which requires a site plan to be reviewed and approved by the Planning Director and all applicable fees paid;**

9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-13, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

28. ADJOURNMENT

Moved by Zvejnieks and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 12:24 p.m.

Karen Hall, Chairperson