

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**June 27, 2016 @ 9:00 a.m.**

Emergency Management (EOC) Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, Lori Litzen, William McCollam, Jim Coleman, 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 JUNE 13, 2016, MINUTES  
**Moved by Zvejnieks and seconded by McCollam to approve the minutes of the June 13, 2016, Planning Commission Meeting. Vote: Unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Litzen and seconded by Zvejnieks to approve the Agenda of the June 27, 2016, Planning Commission Meeting. Vote: Unanimous 6 to 0.**

**Moved by Litzen and seconded by McCollam to approve the Consent Calendar of the June 27, 2016, Planning Commission Meeting, with the removal of Items #4 and Item #7. Vote: unanimous (6 to 0).**

**CONSENT CALENDAR**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 13-01:** Loretta Daigle / Lazy Rocking D, LLC; Rushmore Vacation Rentals – Local Contact. 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 the NW1/4NE1/4, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 13-01 to the July 11, 2016, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-12:** Rolland and Laura Willard; Davis Engineering - Agent. 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.

PT W1/2SE1/4 and PT SE1/4SE1/4 E of Hwy Less Forest View Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 15-12 with the applicant's concurrence.**

**Vote: unanimous (7 to 0).**

6. **CONDITIONAL USE PERMIT / CU 16-17:** West River Electric; Ross Johnson - Agent. To bring into compliance and to allow for the expansion of an existing electrical substation in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

**To approve of Conditional Use Permit / CU 16-17 with the following ten (10) conditions:**

1. **That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;**
2. **That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions on 228<sup>th</sup> Street;**
3. **That the facility be continually secured with a fence at least seven (7) feet in height;**
4. **That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**
5. **That reasonable steps shall be taken to reduce light and sound emissions from the facility;**
6. **That the installation of any additional electrical stations or items associated with the power line requires review and approval by the Pennington County Planning Department;**
7. **That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;**

8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area;
9. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.

**Vote: unanimous (7 to 0).**

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

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

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

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

A member of the public, Mitch Morris, asked that this Item be removed from the Consent Calendar for discussion.

Conover explained that this is a review of the applicant’s Conditional Use Permit to allow an addition to an existing electrical substation in a Limited Agriculture District.

Staff recommended approval of the extension of Conditional Use Permit Amendment / CU 14-08 with the following nine (9) conditions:

1. That all existing drainage ways are continually maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water;
2. That any post construction “Best Management Practices” be constructed as required by the water quality capture volume (Section 203 – Storm Water Quality Manual);

3. That the facility be continually secured with a fence at least seven (7) feet in height;
4. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
5. That reasonable steps shall continually be taken to reduce light and sound emissions from the facility;
6. That the installation of any additional breaker stations or items associated with the station requires review and approval by the Pennington County Planning Department;
7. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;
8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,
9. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as directed by the Pennington County Board of Directors or the Pennington County Planning Commission to verify compliance with the above-mentioned conditions of approval.

Discussion followed.

**Moved by Coleman and seconded by Litzen to approve the extension of Conditional Use Permit Amendment / CU 14-08 with the following nine (9) conditions:**

- 2. That all existing drainage ways are continually maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water;**
- 2. That any post construction “Best Management Practices” be constructed as required by the water quality capture volume (Section 203 – Storm Water Quality Manual);**
- 3. That the facility be continually secured with a fence at least seven (7) feet in height;**
- 4. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**

5. That reasonable steps shall continually be taken to reduce light and sound emissions from the facility;
6. That the installation of any additional breaker stations or items associated with the station requires review and approval by the Pennington County Planning Department;
7. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;
8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,
9. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as directed by the Pennington County Board of Directors or the Pennington County Planning Commission to verify compliance with the above-mentioned conditions of approval.

All voting aye, the Motion carried 6 to 0.

7. **MINOR PLAT / PL 16-10 AND SUBDIVISION REGULATIONS VARIANCE / SV 16-02**: Donald Brassfield; Renner & Associates – Agent. To create Lot C1 and Lot C2 of Brassfield Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 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.

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

Bolstad stated the applicants have applied for a Minor Plat and Subdivision Regulations Variance to create Lot C1 and Lot C2 of Brassfield Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 16-02 to waive submittal of percolation tests and soil profile hole information and submittal of engineered road construction plans; and approval of Minor Plat / PL 16-10 with the following eight (8) conditions:

1. That prior to filing the Plat with the Register of Deeds, 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;
2. That prior to filing the Plat with the Register of Deeds, 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;
3. That prior to filing the Plat with the Register of Deeds, the applicant provides 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;
4. That prior to filing the Plat with the Register of Deeds, the notation for the existing Power Easement be corrected to indicate that it is a Black Hills Electric Cooperative Easement, rather than a Black Hills Power Easement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. 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;
7. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments; and,
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-10 and Subdivision Regulations Variance / SV 16-02, which is available at the Planning Office.

Discussion followed.

**Moved by Zvejnieks and seconded by McCollam to approve of Subdivision Regulations Variance / SV 16-02 to waive submittal of percolation tests and soil profile hole information and submittal of engineered road construction plans.**

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

**Moved by Zvejnieks and seconded by McCollam to approve of Minor Plat / PL 16-10 with the following eight (8) conditions:**

1. That prior to filing the Plat with the Register of Deeds, 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;
2. That prior to filing the Plat with the Register of Deeds, 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;
3. That prior to filing the Plat with the Register of Deeds, the applicant provides 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;
4. That prior to filing the Plat with the Register of Deeds, the notation for the existing Power Easement be corrected to indicate that it is a Black Hills Electric Cooperative Easement, rather than a Black Hills Power Easement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. 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;
7. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments; and,
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-10 and Subdivision Regulations Variance / SV 16-02, which is available at the Planning Office.

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

8. CONDITIONAL USE PERMIT REVIEW / CU 14-21: Jeff and Sherry Liddell. To review an accessory structure (barn) prior to a primary structure and to also allow an RV to be used as temporary living quarters during future construction of 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.

All of Sunrise Fraction Lode MS 531, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

Supboon stated this is a review of the applicant's Conditional Use Permit to allow an accessory structure (barn) prior to a primary structure and to also allow an RV to be used as temporary living quarters during future construction of a single-family residence on the subject property.

Staff recommended to end Conditional Use Permit / CU 14-21.

Discussion followed.

**Moved by Litzen and seconded by Coleman to end Conditional Use Permit / CU 14-21.**

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

9. CONDITIONAL USE PERMIT REVIEW / CU 12-21: Ken and Cory Tomovick. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

Rausch stated the applicants asked that their Conditional Use Permit be reviewed, as they would like to increase the number of guests to eight (8) persons per night, for their Vacation Home Rental in a Suburban Residential District.

Staff recommended approval of the extension of Conditional Use Permit / CU 12-21 with the following seven (7) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of four (4) people;
2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;



6. That the applicants continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
7. That this Conditional Use Permit be reviewed on a complaint basis only.

Discussion followed.

**Moved by Zvejnieks and seconded by McCollam to approve of the extension of Conditional Use Permit / CU 12-21 with the following seven (7) conditions:**

1. That the Vacation Home Rental be allowed to have a maximum occupancy of four (4) people;
2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicants continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
7. That this Conditional Use Permit be reviewed on a complaint basis only.

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

- 10 CONDITIONAL USE PERMIT / CU 16-18: Steve and Kathryn Venteicher. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A Revised of Lot 15, Stratmeyer Addition, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for a Vacation Home Rental on the subject property in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 16-18 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;
2. That the address for the residence (23773 Pine Haven Drive) be posted at all times on the residence and at the driveway so that it is visible from both directions of travel on Pine Haven Drive in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a Low Density Residential 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 applicant provide a landline in case of an emergency;
7. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
8. 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;
9. That a minimum of five (5) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be posted in accordance with the requirements of Section 319-G, with 399-3721 and 394-4139 listed as contacts for the Fire Department and Sheriff's Department, during operating of the residence as a VHR;

11. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Steve and Kathryn Venteicher, 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;
13. 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;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit and such signs must meet all requirements of Section 312;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-18, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners or the Planning Commission to verify that all conditions are being met.

Discussion followed.

**Moved by Litzen and seconded by McCollam to approve of Conditional Use Permit / CU 16-18 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;**
- 2. That the address for the residence (23773 Pine Haven Drive) be posted at all times on the residence and at the driveway so that it is visible from both directions of travel on Pine Haven Drive in accordance with Pennington County's Ordinance #20;**
- 3. That the minimum setback requirements of a Low Density Residential 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 applicant provide a landline in case of an emergency;
7. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
8. 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;
9. That a minimum of five (5) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be posted in accordance with the requirements of Section 319-G, with 399-3721 and 394-4139 listed as contacts for the Fire Department and Sheriff's Department, during operating of the residence as a VHR;
11. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Steve and Kathryn Venteicher, 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;
13. 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;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit and such signs must meet all requirements of Section 312;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-18, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners or the Planning Commission to verify that all conditions are being met.

All voting aye, the Motion carried 6 to 0.

11. CONDITIONAL USE PERMIT / CU 16-12: TC Enterprises, Inc.; Todd Schuetzle – Agent. To allow bicycle rentals, ATV rentals, and a retail shop as neighborhood commercial 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.

(Continued from the June 13, 2016, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow bicycle rentals, ATV rentals, and a retail shop as neighborhood commercial in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 16-12 with the following nineteen (19) conditions:

1. That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;
2. That the applicant construct a shop or garage on the subject property to store the bicycle and ATV rental units, and all rental units be stored within an enclosed structure when not in use;
3. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;
4. That port-o-potties are provided on-site for customers to utilize during business hours;
5. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;
6. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;
7. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County's Ordinance #20;
8. That a Building Permit be obtained for the proposed new shop and any structure(s) 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;

9. That the applicant ensures the residential character of the property is maintained;
10. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
11. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;
12. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;
13. That the property remain free of debris and junk vehicles;
14. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;
15. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;
16. That if the uses approved by way of Conditional Use Permit / CU 16-12 cease for a period of one (1) year or more, the Conditional Use Permit will be automatically revoked in accordance with Pennington County Zoning Ordinance Section 510(E)(1)(a) and the property must be returned to residential use only;
17. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business;
18. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-12, which is available at the Planning Office; and,
19. 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 Coleman and seconded by Litzen to approve of Conditional Use Permit / CU 16-12 with the following nineteen (19) conditions:**

- 1. That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;**

- 2. That the applicant construct a shop or garage on the subject property to store the bicycle and ATV rental units, and all rental units be stored within an enclosed structure when not in use;**
- 3. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;**
- 4. That port-o-potties are provided on-site for customers to utilize during business hours;**
- 5. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;**
- 6. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;**
- 7. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County's Ordinance #20;**
- 8. That a Building Permit be obtained for the proposed new shop and any structure(s) 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;**
- 9. That the applicant ensures the residential character of the property is maintained;**
- 10. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;**
- 11. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;**
- 12. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;**
- 13. That the property remain free of debris and junk vehicles;**

14. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;
15. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;
16. That if the uses approved by way of Conditional Use Permit / CU 16-12 cease for a period of one (1) year or more, the Conditional Use Permit will be automatically revoked in accordance with Pennington County Zoning Ordinance Section 510(E)(1)(a) and the property must be returned to residential use only;
17. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business;
18. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-12, which is available at the Planning Office; and,
19. 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.

SUBSTITUTE MOTION: Moved by Zvejnieks and seconded by Hall to approval of Conditional Use Permit / CU 16-12 and to limit the number of atvs to two (2).

Commissioners Coleman, Peterson, and Litzen voted no. Commissioners Hall, Zvejnieks, and McCollam voted yes. Substitute Motion was a tie.

**Vote on Original Motion to approve Conditional Use Permit / CU 16-12. All voting, the Motion carried 5 to 1. Commissioner Hall voted no.**

Moved by Litzen and seconded by Coleman to take a ten minutes recess. All voting aye, the Motion carried 6 to 0.

Moved by Coleman and seconded by Peterson to reconvene. All voting aye, the Motion carried 6 to 0.

12. 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.

(Continued from the June 13, 2016, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a commercial storage rental and painting business in a Suburban Residential District.

Discussion followed.

**Moved by Litzen and seconded by Zvejnieks to deny without prejudice Conditional Use Permit / CU 16-16.**

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

13. 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.

(Continued from the June 13, 2016, Planning Commission meeting.)

Conover stated this item was continued from the June 13, 2016, Planning Commission meeting in order for staff to address the concerns of the Planning Commission.

Staff recommended to continue Planned Unit Development / PU 16-03 to the July 11, 2016, Planning Commission meeting, per the request of the applicants, in order for staff to research complaints received.

Discussion followed.

**Moved by McCollam and seconded by Litzen to continue Planned Unit Development / PU 16-03 to the July 11, 2016, Planning Commission meeting, per the request of the applicants, in order for staff to research complaints received.**

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

14. RECONSIDERATION OF CONDITIONAL USE PERMIT REVIEW / CU 16-05: Spring Creek Hideaway, LLC / Brent and Pam Veurink. 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 4, Peterson Subdivision MS 622, Section 11, T2S, R4E, BHM, Pennington County, South Dakota.

(From the June 13, 2016, Planning Commission meeting.)

Bolstad explained that this Conditional Use Permit is being heard for reconsideration, based upon the Motion of the Planning Commission to deny the Conditional Use Permit at their June 13, 2016, Planning Commission meeting.

Discussion followed.

Moved by Zvejnieks and seconded by Coleman to continue Conditional Use Permit / CU 16-05 to the July 11, 2016, Planning Commission meeting in order for the State's Attorney's Office to address the concerns of the Planning Commission and research options.

Discussion further followed.

**SUBSTITUTE MOTION: Moved by Coleman and seconded by Litzen to send Conditional Use Permit / CU 16-05 back to the Board of Commissioners for reconsideration with a recommendation of denial.**

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

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 13, 2016, Planning Commission meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

A State's Attorney's Office. Deputy State's Attorney Kinsley Groote informed the Planning Commission that she will out of the office, and Michael Hofmann will taking care of her items for the Planning Department while she is out.

B. Building Permit Report. Conover reviewed the Building Permit Report for May 2016.

C. Overlay Districts. Conover spoke of Overlay Districts.

D. Alternative Energy Committee. Conover provided the Planning Commission with an update.

E. VHR Committee. Conover provided the Planning Commission with an update and also stated there is a meeting scheduled for July 12<sup>th</sup>.

Commissioners Coleman and Petersen left the meeting at 1:00 p.m.

F. Comprehensive Plan. Conover spoke of the Planning Department's Budget Hearing and updating the Comprehensive Plan

G. Planning Commission Members. The Planning Commission, Board of Commissioners, and the Planning Department thanked Planning Commissioners Karen Hall and Jim Coleman for their dedicated years of service.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Litzen stated she will not be at the July 11<sup>th</sup> Planning Commission meeting.

19. ADJOURNMENT

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

**All voting aye, the Motion carried 4 to 0.**

**The meeting adjourned at 1:11 p.m.**

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Karen Hall, Chairperson