

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**August 22, 2016 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, Travis Lasseter, Rich Marsh, Barbara Landers, and Nancy Trautman.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Brittney Molitor, Chutima Supboon, and Michael Hofmann (SAO).

ROLL CALL

1. APPROVAL OF THE AUGUST 8, 2016, MINUTES  
**Moved by Landers and seconded by Litzen to approve the minutes of the August 8, 2016, Planning Commission Meeting. Vote: unanimous 6 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Lasseter and seconded by Landers to approve the Agenda of the August 22, 2016, Planning Commission Meeting. Vote: unanimous 6 to 0.**

**Moved by Landers and seconded by Lasseter to approve the Consent Calendar of the August 22, 2016, Planning Commission Meeting, with the removal of Items #3, #7 and #12. Vote: unanimous 6 to 0.**

**CONSENT CALENDAR**

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-14:** Darrell and Mary Harkin. To review a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 15-14 with the following six (6) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address (13988 Murphy Road) continue to be clearly posted on the single-wide mobile home and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
4. That the subject property continually remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
5. That the single-wide mobile home installed on the property continually have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained; and,
6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-16:** Nick Hobart. To review a guest house on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 15-16 with the following four (4) conditions:**

1. That the lot address (11479 Gillette Prairie Road) assigned for the Guest House be continually posted on the residence and at the end of the driveway, so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;
2. That the Guest House continually be utilized and maintained in accordance with the requirements of Pennington County Zoning Ordinance Section 318;
3. That if the Guest House is not used in accordance with Section 318, this Conditional Use Permit will be automatically revoked; and,

4. That this Conditional Use Permit be reviewed in three (3) years, 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 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-17:** Charles Ray. To review a family cemetery on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Parcel E in S1/2NW1/4, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 15-17 with the following three (3) conditions:**

1. That the cemetery continually conforms to all regulations in Section 307 of the Pennington County Zoning Ordinance;
2. That the cemetery be for cremated remains only and the applicant continually complies with South Dakota Codified Law 34-27, which regulates Cemeteries and Burial Records; and,
3. That this Conditional Use Permit be reviewed in five (5) years, 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 6 to 0.**

8. **CONSTRUCTION PERMIT REVIEW / CP 15-15:** Flack Trucking, Inc. To continue stockpiling soil, leveling the plowed fields, and removing soil from the property. The disturbed area is being returned to farm ground.

Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve the extension of Construction Permit / CP 15-15 with the following eleven (11) conditions:**

1. That the approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. That a Haul Road Agreement from the County Highway Department be obtained, if necessary;

3. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;
6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
7. That the applicant use the south approach off of Bennett Road to access the site;
8. That any natural drainage ways and paths be continually maintained;
9. That any monuments establishing property boundaries be replaced as necessary;
10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
11. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

9. **CONSTRUCTION PERMIT REVIEW / CP 15-16:** Rushmore Shadows, LLC; Gene Addink – Agent. To continue to perform mass grading in order to install a sanitary sewer system and lift station, water main, storm sewer, aggregate base for 45 RV pads and asphalt surfacing.

Tract A Less E350 feet of N900 feet of Busted Five Development Subdivision and Tract 3A of Lot 3 of SW1/4SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Construction Permit / CP 15-16 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 15-16;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. 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;
7. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c); and,
8. That this Construction Permit expires six (6) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

10. **CONSTRUCTION PERMIT / CP 16-06:** Heavy Constructors. To remove and replace asphalt which will include regrading of the road within the mobile home park.

W1/2E1/2SE1/4SW1/4 Less Tract 1 of Vetsch Subdivision Less Lot H1 and Less Seger Drive; E1/2W1/2SE1/4SW1/4 Less Lot H1 and Less Seger Drive, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 16-06 with the following nine (9) conditions:**

1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That work commencing prior to approval of the Construction Permit will require payment of penalty fees within 10 days of approval of this Construction Permit;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
7. That during the period of construction, that the street is not blocked and that all mobile homes are accessible;
8. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
9. 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 or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous 6 to 0.**

11. **REZONE / RZ 16-06**: Galen and Linda Livermont. To rezone 4.50 acres from General Agriculture District to Suburban Residential District in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

PT NW1/4NW1/4 North of Hwy and RR, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend approval of Rezone / RZ 16-06.**

**Vote: unanimous 6 to 0.**

13. **MINOR PLAT / PL 16-18:** Raymond and Shirley Darrough; Fisk Land Surveying – Agent. To create Lots A and B of Loveland Canyon Estates #2 in accordance with Sections 400.3 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.

**To recommend approval of Minor Plat / PL 16-18 with the following nine (9) conditions:**

1. 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;
2. 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;
3. 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;
4. That the landowner be made aware of the above-mentioned comments from the United States Forest Service;
5. That the twenty (20) foot powerline easement for Black Hills Electric Cooperative continue to be shown on the plat when recorded with the Register of Deeds;
6. 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;
7. That the eight (8) foot minor drainage and utility easements continue to be shown on the plat when recorded with the Register of Deeds, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

8. 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; and,
9. That prior to recording the plat with the Register of Deeds or within ten (10) business days of approval of PL 16-18 (whichever comes first), the Landowner signs a Statement of Understanding (SOU) for PL 16-18; the SOU is available at the Planning Department.

**Vote: unanimous 6 to 0.**

### **END OF CONSENT CALENDAR**

3. CONDITIONAL USE PERMIT REVIEW / CU 12-27: Mike Dressler. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4R (also in Section 13), Block 3, Alpine Acres Meadow, Section 14, T2N, R4E, BHM, Pennington County, South Dakota.

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

Bolstad stated this is a review of the applicant's Conditional Use Permit to allow a Vacation Home Rental in a Suburban Residential District.

Staff recommended approval of the extension of Conditional Use Permit / CU 12-27 with the following seven (7) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of eight (8) people;
2. That a minimum of two (2) off-street parking spaces continue to 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 continue to 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 applicant continually maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicant 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 is reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Lasseter and seconded by Trautman to have this item be moved to the end of the meeting to be heard at that time, so that staff can perform additional research at the request of the Planning Commission.**

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

7. CONDITIONAL USE PERMIT / CU 16-26: Terry Sager. To allow a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Olson Park Subdivision #2, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

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

Molitor stated the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 16-26 with the following ten (10) conditions:

1. That there be no more than one (10 Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
2. That the address for the residence (23423 Mineral Lane) be posted at the driveway so that it is visible from both directions of travel on Mineral Lane in accordance with Pennington County's Ordinance #20;

3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the newly installed On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or a setback variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That upon completion of the single-family residence 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 applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval, which is available at the Planning Department; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed to amend Condition #1 from “(10” to “1”.

**Moved by Litzen and seconded by Lasseter to approve of Conditional Use Permit / CU 16-26 with the following ten (10) conditions:**

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;**
- 2. That the address for the residence (23423 Mineral Lane) be posted at the driveway so that it is visible from both directions of travel on Mineral Lane in accordance with Pennington County’s Ordinance #20;**
- 3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the newly installed On-Site Wastewater Treatment System until the single-family residence is habitable;**

4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or a setback variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That upon completion of the single-family residence 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 applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval, which is available at the Planning Department; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

12. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 06-03: Prairie Valley Development Company, LLC. To review a Planned Unit Development Amendment to allow for 75 residential lots, 1 well lot, and 1 detention lot with a minimum lot size of 1/2 acre in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5; Lot 1, Block 6, all of Prairiefire Subdivision; NE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW; and SE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue the review of Planned Unit Development Amendment / PU 06-03 to the September 26, 2016, Planning Commission meeting.

Discussion followed.

**Moved by Zvejnieks and seconded by Marsh to continue the review of Planned Unit Development Amendment / PU 06-03 to the September 26, 2016, Planning Commission meeting.**

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

14. CONDITIONAL USE PERMIT / CU 16-20: Perry or Vicki Van Newkirk. To allow for an accessory structure, a pole barn, prior to a principal structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 48 (includes 48A), Burns Placers #697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

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

Supboon stated this item was continued from the July 25, 2016, Planning Commission meeting in order for staff to perform additional research.

Supboon further explained the applicants have applied for a Conditional Use Permit to allow accessory structure, a pole barn; prior to a principal structure on the subject property in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 16-20 with the following eleven (11) conditions:

1. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;
2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction, which requires a site plan to be reviewed and approved by the Planning Director;
3. 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;
4. That an address be assigned for the proposed accessory structure and properly posted on both the structure and the approach off of Deerfield Road in accordance with Pennington County's Ordinance #20;
5. That if the applicant chooses to install any type of plumbing in the proposed barn, 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;

6. That proper setbacks be maintained for all structures located on the property or an approved Setback Variance be obtained;
7. That the property remain free of debris and junk vehicles, in accordance with the Pennington County's Ordinance #106;
8. That the proposed barn be used for personal use only, and no commercial-type uses;
9. That the applicant is aware of the above-mentioned comments provided by the U.S. Forest Service;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-20, which is available at the Planning Department; and,
11. 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 Landers and seconded by Lasseter to approve of Conditional Use Permit / CU 16-20 with the following eleven (11) conditions:**

- 1. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;**
- 2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. 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;**
- 4. That an address be assigned for the proposed accessory structure and properly posted on both the structure and the approach off of Deerfield Road in accordance with Pennington County's Ordinance #20;**
- 5. That if the applicant chooses to install any type of plumbing in the proposed barn, 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;**

6. That proper setbacks be maintained for all structures located on the property or an approved Setback Variance be obtained;
7. That the property remain free of debris and junk vehicles, in accordance with the Pennington County's Ordinance #106;
8. That the proposed barn be used for personal use only, and no commercial-type uses;
9. That the applicant is aware of the above-mentioned comments provided by the U.S. Forest Service;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-20, which is available at the Planning Department; and,
11. 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 6 to 0.

15. LAYOUT PLAT / PL 16-20 AND SUBDIVISION REGULATIONS VARIANCE / SV 16-04: Russell or Kimberly Johnson. To reconfigure lot lines to create Tracts 7R and 8R of Storm Hill Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 7 and Tract 8, Storm Hill Subdivision; Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 7R and Tract 8R, Storm Hill Subdivision; Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Layout Plat and Subdivision Regulations Variance to reconfigure lot lines to create Tracts 7R and 8R of Storm Hill Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 16-04 to waive the requirements for submittal of percolation tests and soil profile hole information, to waive the requirements for road improvements for Palmer Gulch Road and to waive the requirement to dedicate additional Right-of-Way for Palmer Gulch Road; and, also approval of approval of Layout Plat / PL 16-20 with the following nine (9) conditions:

1. That at the time of new 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 new Plat submittal, the plat meets all of the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line Rights-of-Way, and topographic information be provided of the subject properties at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
3. That at the time of new Plat submittal, 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 at the time of new Plat submittal, the applicant submits percolation tests and soil profile hole information, 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 prior to new Plat submittal, the Certificate of Director of Equalization be correctly spelled;
7. 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;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-20, which is available at the Planning Office; and,
9. That 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 Landers to approve of Subdivision Regulations Variance / SV 16-04 to waive the requirements for submittal of percolation tests and soil profile hole information, to waive the requirements for road improvements for Palmer Gulch Road and to waive the requirement to dedicate additional Right-of-Way for Palmer Gulch Road.**

All voting aye, the Motion carried 6 to 0.

Moved by Litzen and seconded by Marsh to approve of Layout Plat / PL 16-20 with the following nine (9) conditions:

1. That at the time of new 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 new Plat submittal, the plat meets all of the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line Rights-of-Way, and topographic information be provided of the subject properties at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
3. That at the time of new Plat submittal, 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 at the time of new Plat submittal, the applicant submits percolation tests and soil profile hole information, 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 prior to new Plat submittal, the Certificate of Director of Equalization be correctly spelled;
7. 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;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-20, which is available at the Planning Office; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.



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

**Moved by Litzen and seconded by Lasseter to hear Item #3 before Item #16.**

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

3. CONDITIONAL USE PERMIT REVIEW / CU 12-27: Mike Dressler. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4R (also in Section 13), Block 3, Alpine Acres Meadow, Section 14, T2N, R4E, BHM, Pennington County, South Dakota.

Staff recommended approval of the extension of Conditional Use Permit / CU 12-27 with the following seven (7) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of eight (8) people;
2. That a minimum of two (2) off-street parking spaces continue to 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 continue to 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 applicant continually maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicant 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 is reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Landers to continue this item until the issues brought forth are further researched by staff, to possibly amend the Conditions of Approval. Motion died for lack of a second.

Substitute Motion: Moved by Landers to continue this item until the issues brought forth are further researched by staff, to possibly amend the Conditions of Approval. Seconded by Litzen.

Discussion further followed.

Vote on Substitute Motion to continue failed 1 to 5.

**Moved by Litzen and seconded by Marsh to approve of the extension of Conditional Use Permit / CU 12-27, and to amend Condition #7 for a review in one (1) year, with the following seven (7) conditions,**

- 1. That the Vacation Home Rental be allowed to have a maximum occupancy of eight (8) people;**
- 2. That a minimum of two (2) off-street parking spaces continue to 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 continue to 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 applicant continually maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;**
- 6. That the applicant 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 is 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.**

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

**Moved by Landers and seconded by Lasseter to hear Item #16 after Item #20.**

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

17. MINOR PLAT / PL 16-16 AND SUBDIVISION REGULATIONS VARIANCE / SV 16-03: William or Lila Kozel; Sperlich Consulting – Agent. To reconfigure lot lines to create Lots 1 and 2 of Kozel Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 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 and 2 of Kozel Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Minor Plat and Subdivision Regulations Variance to reconfigure lot lines to create Lots 1 and 2 of Kozel Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 16-03 to waive submittal of percolation tests and soil profile hole information; and approval of Minor Plat / PL 16-16 with the following seven (7) conditions:

1. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 2 of Kozel Subdivision 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 the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Kozel Subdivision be Rezoned and a Comprehensive Plan Amendment obtained, or an approved Lot Size Variance is obtained;
5. That prior to filing the Plat with the Register of Deeds, the applicant provide photo evidence to the Planning Department showing the structure that appears to

be an outhouse on Proposed Lot 1 has been converted to a tool shed (or similar structure) or removed from the property;

6. That prior to a Building Permit being issued for Proposed Lots 1 or 2, 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; and,
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-16 and Subdivision Regulations Variance / SV 16-03, which is available at the Planning Office.

Discussion followed.

**Moved by Trautman and seconded by Lasseter to approve of Subdivision Regulations Variance / SV 16-03 to waive submittal of percolation tests and soil profile hole information.**

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

**Moved by Landers and seconded by Lasseter to approve of Minor Plat / PL 16-16 with the following seven (7) conditions:**

- 1. That prior to filling the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 2 of Kozel Subdivision 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 the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 4. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Kozel Subdivision be Rezoned and a Comprehensive Plan Amendment obtained, or an approved Lot Size Variance is obtained;**
- 5. That prior to filing the Plat with the Register of Deeds, the applicant provide photo evidence to the Planning Department showing the structure that appears to be an outhouse on Proposed Lot 1 has been converted to a tool shed (or similar structure) or removed from the property;**

6. That prior to a Building Permit being issued for Proposed Lots 1 or 2, 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; and,
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-16 and Subdivision Regulations Variance / SV 16-03, which is available at the Planning Office.

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

18. REZONE / RZ 16-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-07: William or Lila Kozel; Sperlich Consulting – Agent. To rezone 25.27 acres from General Agriculture District and Low Density Residential District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive and Low Density Residential District to Limited Agriculture District in accordance with Sections 205, 206, 207, and 508 of the Pennington County Zoning Ordinance.

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.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 25.27 acres from General Agriculture District and Low Density Residential District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive and Low Density Residential District.

Staff recommended approval of Rezone / RZ 16-08 and Comprehensive Plan Amendment / CA 16-07.

Discussion followed.

**Moved by Landers and seconded by Litzen to approve of Rezone / RZ 16-08 and Comprehensive Plan Amendment / CA 16-07.**

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

19. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 16-05: Dan and Angie Cumbee. To reduce the side yard setback from 25 feet to 10 feet and to also live in the existing single-family residence while building a new primary single-family residence on the subject property in the Rushmore Ranch Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 41, Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Minor Planned Unit Development Amendment to reduce the side yard setback from 25 feet to 10 feet and to also live in the existing single-family residence while building a new primary single-family residence on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 16-05 with the following twenty (20) conditions:

1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a minimum of 73 acres of common area be provided;
6. That Tract 43 be utilized as a Neighborhood Commercial lot and a maximum of two (2) commercial structures, each no more than 5,000 square feet in area, be allowed on this lot;
7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
8. That no structures have wood shakes;
9. That all fire hydrants on the Neighborhood Commercial lot (Tract 43) have adequate flows;
10. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;

12. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
13. 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;
14. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines;
15. That the side yard setback for Tract 41 be ten (10) feet for the proposed carport/deck and future single-family residence only. All other structures must maintain a twenty-five (25) foot setback or obtain separate Minor Planned Unit Development Amendments;
16. That an approved Building Permit be obtained for the carport/deck and new single-family residence prior to construction;
17. That upon completion of the new single-family residence, the range is removed from the current residence, so as to remove the living quarters and convert the residence to an accessory structure only;
18. That the applicant notify the Planning Department when the new single-family residence is complete and allow staff to verify that the living quarters have been removed from the existing single-family residence;
19. That the applicants sign a Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development Amendment / PU 16-05, which is available at the Planning Office; and,
20. That this Minor Planned Unit Development Amendment be reviewed on a complaint basis only, or as directed by the Pennington County Board of Commissioners or Planning Commission to determine that all Conditions of Approval are being met.

Discussion followed.

**Moved by Trautman and seconded by Landers to deny Minor Planned Unit Development Amendment / PU 16-05.**

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

20. REZONE / RZ 16-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-06: Jimmy and Alice Dehaai. To rezone 3.49 acres from Suburban Residential District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Highway Service District in accordance with Sections 208, 210, and 508 of the Pennington County Zoning Ordinance.

Lot H, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to rezone 3.49 acres from Suburban Residential District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Highway Service District.

Staff recommended denial of Rezone / RZ 16-07 and Comprehensive Plan Amendment / CA 16-06, without prejudice, as the applicants could rezone the subject property to Low Density Residential District and apply for a Conditional Use Permit to allow the Vacation Home Rental, while maintaining the residential zoning that is more largely consistent with the area.

Discussion followed.

**Moved by Litzen and seconded by Lasseter to approve Rezone / RZ 16-07 and Comprehensive Plan Amendment / CA 16-06.**

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

16. LAYOUT PLAT / PL 16-15: Kelly Development / Ryan Kelly. To create Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B less Sheridan Lake Highlands less ROW, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision.

Staff recommended approval of Layout / PL 16-15 with the following eight (8) conditions:

1. That all the Conditions of Approval from Planned Unit Development / PU 06-09 must be adhered to with special attention to Conditions #14 and Condition #16.



2. That prior to a Final Plat being recorded with the Register of Deeds for the proposed lots, a Major Planned Unit Development Amendment, to address the applicant's changes, must be approved by the Board of Commissioners;
3. That at the time of Preliminary Plat submittal, the applicant shall provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. Prior to the applicant submitting a Preliminary Plat for the subject parcels, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;
5. That at the time of Preliminary Plat submittal, the applicant shall provide water supply information for the proposed lots. If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact on the water supply for the existing platted lots within this development;
6. That at the time of submittal for the Preliminary Plat, the plat meets all applicable requirements of the Pennington County Subdivision Regulations or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-15, which is available at the Planning Office; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Litzen and seconded by Lasseter to approve of Layout / PL 16-15 with the following eight (8) conditions:**

1. **That all the Conditions of Approval from Planned Unit Development / PU 06-09 must be adhered to with special attention to Conditions #14 and Condition #16.**
2. **That prior to a Final Plat being recorded with the Register of Deeds for the proposed lots, a Major Planned Unit Development Amendment, to address the applicant's changes, must be approved by the Board of Commissioners;**

3. That at the time of Preliminary Plat submittal, the applicant shall provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. Prior to the applicant submitting a Preliminary Plat for the subject parcels, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;
5. That at the time of Preliminary Plat submittal, the applicant shall provide water supply information for the proposed lots. If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact on the water supply for the existing platted lots within this development;
6. That at the time of submittal for the Preliminary Plat, the plat meets all applicable requirements of the Pennington County Subdivision Regulations or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-15, which is available at the Planning Office; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 8, 2016, Planning Commission meeting.

- 1 APPEAL OF 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.

The Board of Commissioners upheld the Planning Commission's decision to approve the applicant's Conditional Use Permit.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

A. Ordinance Amendment / OA 16-01 – Section 319 (VH Rental). Conover stated this Item will be heard at the September 12, 2016, Planning Commission meeting.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Lasseter stated he will not be at the September 12<sup>th</sup> meeting, and Commissioner Zvejnieks stated he will be gone for the September 26<sup>th</sup> meeting.

25. ADJOURNMENT

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

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

**The meeting adjourned at 11:51 a.m.**

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Sig Zvejnieks, Chairperson