

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
September 12, 2016 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, William McCollam, Barbara Landers, Rich Marsh, and Lyndell Petersen.

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

ROLL CALL

1. APPROVAL OF THE AUGUST 22, 2016, MINUTES
Moved by Litzen and seconded by Marsh to approve the minutes of the August 22, 2016, Planning Commission Meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Litzen to approve the Agenda of the September 12, 2016, Planning Commission Meeting. Vote: unanimous 6 to 0.

Moved by Landers and seconded by McCollam to approve the Consent Calendar of the September 12, 2016, Planning Commission Meeting, with the removal of Items #9 and #10. 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 89-32:** Doug Schoniger. To review a single-wide mobile to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SE1/4NE1/4, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 89-32 with the owner's concurrence.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-23:** Reynolds and Livingston, LLC. To review a Recreational Vehicle Park with four (4) RV sites in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

That portion of Lot 1 located in Pennington County of Boyle Subdivision, Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 10-23, to no later than the December 5, 2016, Planning Commission meeting, with the following two (2) conditions:

1. **That if additional continuations of Conditional Use Permit / CU 10-23 are necessitated by the owner, due to the lack of the owner's action, each continuation will be subject to Section 511-X; and,**
2. **That the owner sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 10-23, which is available at the Planning Department.**

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-23:** Vergil and Judy Kjerstad. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 31, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 12-23, to no later than the November 28, 2016, Planning Commission meeting, with the following two (2) conditions:

1. **That if additional continuations of Conditional Use Permit / CU 12-23 are necessitated by the applicant, due to the lack of the applicant's action, each continuation will be subject to Zoning Ordinance Section 511-X; and,**
2. **That the owner sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 12-23, which is available at the Planning Department.**

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 12-24:** Deon and Karin Stockert. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 15 (also in Section 17), Block D, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 12-24 with the owner's concurrence.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 12-25:** Marvin and Lila Botz. To review an existing residence to be used as a temporary residence while constructing a new single-family residence in a General Agriculture District / Highway Service District in accordance with Sections 204-D, 205, and 510 of the Pennington County Zoning Ordinance.

Lots 3-4; E1/2SW1/4, SE1/4 less Right-of-Way, Section 30, T1S, R16E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 12-25 with the applicant's concurrence.

Vote: unanimous 6 to 0.

8. **MINOR PLAT / PL 16-21:** Thomas and Janeane Price. To create Lots 1A and 1B of T and J Price Subdivision in accordance with Sections 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1A and Lot 1B, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 16-21 with the following five (5) conditions:

1. **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;**
2. **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;**

3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the Certifications on the plat continue to be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,
5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-21, which is available at the Planning Office.

Vote: unanimous 6 to 0.

11. **CONSTRUCTION PERMIT / CP 16-07:** Site Works Specialists. To grade the site and construct a road and parking area on the subject property.

Tract D of NW1/4SE1/4 less Lot 1, Section 3, T1S, R17E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 16-07 with the following seven (7) 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 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;
5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
7. 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.

- 12. CONDITIONAL USE PERMIT / CU 16-29:** Highmark, Inc. To allow a contractor's storage yard on the subject property during the construction of the Rapid City Southside Sewer Line Project in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 16-29 with the following fifteen (15) conditions:

- 1. That an address be assigned and posted at the entrance to the storage yard in accordance with Ordinance #20;**
- 2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;**
- 3. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;**
- 4. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;**
- 5. That erosion control measures be implemented around the site to prevent sediment leaving the site;**
- 6. That tracking control measures be implemented at the entrance/exit to Reservoir Road from the storage yard;**
- 7. That adequate space is provided for parking in the storage yard;**
- 8. That if the borrow area will equal or exceed 10,000 square feet of disturbance, that a Construction Permit is obtained;**
- 9. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;**
- 10. That measures are taken to ensure that the Cyclone Ditch is protected from sediment entering the ditch;**

11. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;
12. That if Pennington County Highway requires a Haul Road Agreement for Reservoir Road or Southside Drive, that the applicant obtain the Agreement from the County prior to use of the contractor's storage yard;
13. That applicable fees (which include penalty fees) be paid within seven (7) business days of approval of the Conditional Use Permit;
14. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-29; and,
15. That this Conditional Use Permit be reviewed in March 2017, 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.

13. **CONSTRUCTION PERMIT / CP 16-08:** Highmark, Inc. To remove existing surfacing, installation of a 33 foot sanitary sewer along the centerline of the existing roadway, and reconstructing the roadway with asphalt surfacing.

To approve of Construction Permit / CP 16-08 with the following eleven (11) 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 the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;

5. That a Floodplain Development Permit be submitted for work done within the designed Special Flood Hazard Area prior to commencement of any disturbance;
6. 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;
7. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
8. That during the period of construction, that the street is not blocked and that all homes are accessible by emergency vehicles;
9. That Construction Permit fees (which includes a penalty fee) be paid within seven (7) business days of approval of the Construction Permit;
10. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
11. 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.

14. **MINOR PLAT / PL 16-19 AND SUBDIVISION REGULATIONS VARIANCE / SV 16-05:** Wyoming Dakota Railroad; Fisk Land Surveying – Agent. To create Lot 1 of WDRPI-SD103 Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Subdivision Regulations Variance / SV 16-05 to waive submittal of percolation tests and soil profile home information, Section Line Right-of-Way improvements, plat scale of 1" = 100' or less, submittal of topography at 5' contour intervals and creation of major drainage easements for drainage ways; and approval of Minor Plat / PL 16-19 with the following twelve (12) conditions:

1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot

lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;

2. That prior to filing the plat with Register of Deeds, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement;
3. That prior to filing the plat with Register of Deeds, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement;
4. That prior to filing the plat with Register of Deeds, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement;
5. That the plat be drawn in accordance with the requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications (for all owners) and the scale of the plat to be no greater than one (1) inch equals 100 feet, or obtain approval of a Subdivision Regulations Variance waiving this requirement;
6. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement;
7. That at the time of construction of the railroad, the applicant obtains a Construction Permit from Pennington County if the disturbance is equal to or greater than 10,000 square feet;
8. That at the time of construction of the railroad, the applicant obtains a General Permit for Storm Water Discharges Associated with Construction Activities from the South Dakota Department of Environment and Natural Resources if the disturbance is greater than one (1) acre;
9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement;
10. That prior to any work within the Special Flood Hazard Area, a Floodplain Development Permit be obtained;
11. That prior to filing the plat with Register of Deeds, setbacks are verified for the silos; and,
12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-19 and Subdivision Regulations Variance / SV 16-05, which is available at the Planning Office.

Vote: unanimous 6 to 0.

15. **CONDITIONAL USE PERMIT / CU 16-25:** Thrive Properties, LLC; Alvin or Sharon Gullickson. 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.

Tract 4, Annie Lode MS 1721, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the August 8, 2016, Planning Commission meeting.)

To continue Conditional Use Permit / CU 16-25 to the September 26, 2016, Planning Commission meeting.

Vote: unanimous 6 to 0.

16. **REZONE / RZ 16-09:** Pacifica Loan Pool, LLC; Davis Engineering – Agent. To rezone 32.01 acres from General Agriculture District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Commencing at the NE Corner of Section 16, T1S, R7E, BHM, which is an original stone corner and the point of beginning. Thence, S 01⁰46' 20" E, a distance of 649.00' to a 5/8" rebar with an Aluminum survey cap marked "Arleth-3977", which is the TRUE POINT OF BEGINNING; Thence, first course: S 01⁰45' 17" E, a distance of 988.35' to a 5/8" rebar with an Aluminum survey cap marked "DAVIS ENG. RLS 3095"; Thence, second course: N 88⁰27' 42" W, a distance of 984.01' to a 5/8" rebar with an Aluminum survey cap marked "DAVIS ENG. RLS 3095"; Thence, third course: N 00⁰ 32' 18" E, a distance of 644.00' to a 5/8" rebar with an Aluminum survey cap marked "DAVIS ENG. RLS 3095"; Thence, fourth course: N 89⁰ 36' 13" W, a distance of 1316.14', to a 5/8" rebar with an Aluminum survey cap marked "DAVIS ENG. RLS 3095"; Thence, fifth course: N 01⁰ 28' 50" E, a distance of 328.06', to a 5/8" rebar with an Aluminum survey cap marked "DAVIS ENG. RLS 3095"; Thence, sixth course: S 89⁰ 31' 08" E, a distance of 2304.65', to a 5/8" rebar with an Aluminum survey cap marked "Arleth-3977"; which is the TRUE POINT OF BEGINNING. Said Parcel contains 1,393,920 square feet or 32.01 acres more or less.

To continue Rezone / RZ 16-09 to the October 10, 2016, Planning Commission meeting.

Vote: unanimous 6 to 0.

END OF CONSENT CALENDAR

9. CONSTRUCTION PERMIT REVIEW / CP 99-43: Pete Lien & Sons. To review a Construction Permit in accordance with Section 507 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

Commissioner Marsh asked to have this Item removed from the Consent Calendar, and further stated he would be abstaining from voting on this item.

Moved by Litzen and seconded by Landers to approve of the extension of Construction Permit / CP 99-43 with the following six (6) conditions:

1. **That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;**
2. **That the conditions of approval of the “Part 70 Air Quality Permit” (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;**
3. **That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #383-100 and Mining Permit #216) be continually met;**
4. **That a “Haul Road Agreement” be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials;**
5. **That a maximum of 10 million tons of mined material be quarried from the property; and,**
6. **That the Construction Permit be reviewed in three (3) years to ensure that the Conditions of Approval are being met.**

All voting, the Motion carried 5 to 0. Commissioner Marsh abstained.

10. CONSTRUCTION PERMIT REVIEW / CP 99-44: Pete Lien & Sons. To review a Construction Permit in accordance with Section 507 of the Pennington County Zoning Ordinance.

Sections 12, 13, 24, and 25, T2N, R6E and Sections 7, 17, 18, 19, 20, 30, T2N, R7E, BHM, Pennington County, South Dakota.

Commissioner Marsh asked to have this Item removed from the Consent Calendar, and further stated he would be abstaining from voting on this item.

Moved by Litzen and seconded by Landers to approve of the extension of Construction Permit / CP 99-44 with the following nine (9) conditions:

- 1. That the 15-foot high berm, located along the residential district, remain in place;**
- 2. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;**
- 3. That the conditions of approval of the “Part 70 Air Quality Permit” (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;**
- 4. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #383-100 and Mining Permit #216) be continually met;**
- 5. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License when it is renewed to verify the amount of material mined at the site;**
- 6. That a Floodplain Development Permit is obtained for any disturbance within the designated Special Flood Hazard Area;**
- 7. That a maximum of 100 million tons of mined material be quarried from the property;**
- 8. That a “Haul Road Agreement” be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials; and,**
- 9. That the Construction Permit be reviewed in three (3) years to ensure the Conditions of Approval are being met.:**

All voting, the Motion carried 5 to 0. Commissioner Marsh abstained.

17. CONDITIONAL USE PERMIT REVIEW / CU 04-35: Joe Theberge. To review ten 30 foot by 150 foot storage buildings in a General Commercial District in accordance with Sections 209-C-5 and 510 of the Pennington County Zoning Ordinance.

Tract 1 of the SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the August 8, 2016, Planning Commission meeting.)

Conover stated this item was continued from the August 8, 2016, Planning Commission meeting and he further reviewed the Staff Report with the Planning Commission.

Staff recommended approval of the extension of Conditional Use Permit / CU 04-35 with the following twelve (12) conditions:

1. That Section 510-E of the Pennington County Zoning Ordinance now apply to CU 04-35 and that the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department;
2. That upon transfer of the property, the new landowners notify the Planning Director, of the transfer, in writing, and pay the Conditional Use Permit Review fee and the new landowner, applicant, or agent notify the surrounding property owners, of the review of CU 04-35, in accordance with Section 510 of the Pennington County Zoning Ordinance;
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 a minimum of four (4) parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That ten (10) storage buildings be allowed on the subject property not to exceed 30 feet by 150 feet. Any additional storage buildings would require review by the Planning Commission;
6. That the businesses address be posted on the property and clearly visible and maintained in accordance with Pennington County Ordinance #20;
7. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
8. On-premise sign(s) shall be allowed with an approved Sign Permit. The on premise sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
9. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by appropriate staff in both the County Highway and Planning Departments;
10. That prior to any Building Permit being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approaches for commercial use;

11. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m.; and,
12. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

Discussion followed.

Moved by Marsh and seconded by Landers to approve of the extension of Conditional Use Permit / CU 04-35 and to include Condition #10, from the previous approved Conditions of Approval, with thirteen (13) conditions.

Discussion followed to incorporate the language from Condition #10 with Condition #2.

Moved by Marsh and seconded by Landers to approve of the extension of Conditional Use Permit / CU 04-35 with the following twelve (12) conditions:

- 1. That Section 510-E of the Pennington County Zoning Ordinance now apply to CU 04-35 and that the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department;**
- 2. That upon transfer of the property, or prior to start of construction of the storage units, the landowner notifies the Planning Director, of the transfer, in writing, and pay the Conditional Use Permit Review fee and the landowner, applicant, or agent notify the surrounding property owners, of the review of CU 04-35, in accordance with Section 510 of the Pennington County Zoning Ordinance;**
- 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 a minimum of four (4) parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 5. That ten (10) storage buildings be allowed on the subject property not to exceed 30 feet by 150 feet. Any additional storage buildings would require review by the Planning Commission;**

6. That the businesses address be posted on the property and clearly visible and maintained in accordance with Pennington County Ordinance #20;
7. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
8. On-premise sign(s) shall be allowed with an approved Sign Permit. The on premise sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
9. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by appropriate staff in both the County Highway and Planning Departments;
10. That prior to any Building Permit being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approaches for commercial use;
11. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m.; and,
12. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

All voting aye, the Motion carried 6 to 0.

18. CONDITIONAL USE PERMIT / CU 16-28: Chace and Leslie Larsen. To allow a Recreational Resort Area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

(Also in Section 28), Midway Fraction Lode MS 2014, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Recreational Resort Area on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 16-28 with the following twenty-three (23) conditions:

1. That the uses of the Conditional Use Permit be limited to four (4) seasonal rental cabins, an office/laundry facility, and the existing single-family residence to be used as the manager's residence;

2. That the rental cabins be allowed to operate from May through August of each year;
3. That an address be assigned to each individual cabin upon submittal of a Building Permit and that each address be posted on the cabin, inside the cabin, and so they are visible from the interior road way and Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
4. That the address for the main house be posted on the residence and so that it is visible from both directions of travel on Pink Cabin Road, in accordance to Pennington County's Ordinance #20;
5. That the applicants contact the Pennington County Environmental Planner as soon as possible for a profile hole inspection to determine the locations of the proposed on-site wastewater treatment systems and to verify the size and types of systems that can be installed;
6. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
7. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;
8. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
9. That the applicant obtains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
10. That the applicant maintains 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;
11. That the property remains free of debris and junk vehicles and all structures be well-maintained;
12. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of

existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

13. That an approved Building Permit be obtained for each cabin prior to construction and 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;
14. That prior to Building Permits being issued for the rental cabins, the applicants contact the County Fire Coordinator to discuss the proposed internal roadway system and any turnarounds that may be required to accommodate traffic and emergency vehicles;
15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
16. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
17. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
18. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
19. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
20. That prior to obtaining a Building Permit, the applicants have the well water tested to determine quality and quantity sufficient enough to sustain the proposed Recreation Resort water usage, according to State regulations;
21. That quiet hours for the Recreation Resort be between 10 p.m. and 8 a.m.;
22. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-28, which is available at the Planning Office; and,
23. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by McCollam and seconded Landers to approve of Conditional Use Permit / CU 16-28 with the following twenty-three (23) conditions:

- 1. That the uses of the Conditional Use Permit be limited to four (4) seasonal rental cabins, an office/laundry facility, and the existing single-family residence to be used as the manager's residence;**
- 2. That the rental cabins be allowed to operate from May through August of each year;**
- 3. That an address be assigned to each individual cabin upon submittal of a Building Permit and that each address be posted on the cabin, inside the cabin, and so they are visible from the interior road way and Pink Cabin Road, in accordance with Pennington County's Ordinance #20;**
- 4. That the address for the main house be posted on the residence and so that it is visible from both directions of travel on Pink Cabin Road, in accordance to Pennington County's Ordinance #20;**
- 5. That the applicants contact the Pennington County Environmental Planner as soon as possible for a profile hole inspection to determine the locations of the proposed on-site wastewater treatment systems and to verify the size and types of systems that can be installed;**
- 6. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;**
- 7. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;**
- 8. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;**
- 9. That the applicant obtains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;**

10. That the applicant maintains 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;
11. That the property remains free of debris and junk vehicles and all structures be well-maintained;
12. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
13. That an approved Building Permit be obtained for each cabin prior to construction and 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;
14. That prior to Building Permits being issued for the rental cabins, the applicants contact the County Fire Coordinator to discuss the proposed internal roadway system and any turnarounds that may be required to accommodate traffic and emergency vehicles;
15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
16. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
17. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
18. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
19. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;

20. **That prior to obtaining a Building Permit, the applicants have the well water tested to determine quality and quantity sufficient enough to sustain the proposed Recreation Resort water usage, according to State regulations;**
21. **That quiet hours for the Recreation Resort be between 10 p.m. and 8 a.m.;**
22. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-28, which is available at the Planning Office; and,**
23. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 16-27: Gene and Carllen Van Der Wert; Collin Goodwin – Agent. 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 K, Brechtel #1, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

Conover 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 16-27 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. 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, upon request;

5. 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;
6. That a minimum of two (2) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt, and maintained in a dust-free manner;
7. That an interior informational sign or signs be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and contact numbers for both the Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address be posted on the residence at all times and so that it is clearly visible from Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by Certified Mail;
11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That prior to the operation of a Vacation Home Rental on the subject property, the applicant determine the size of the three (3) sheds on the subject property, notify the Planning Director and bring them into compliance, via Building Permits – if necessary;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-05, 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 Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and seconded McCollam to approve of Conditional Use Permit / CU 16-27 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people, per Pennington County Zoning Ordinance Section 319-F-13;**
- 2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. 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, upon request;**
- 5. 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;**
- 6. That a minimum of two (2) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt, and maintained in a dust-free manner;**
- 7. That an interior informational sign or signs be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and contact numbers for both the Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;**

8. That the lot address be posted on the residence at all times and so that it is clearly visible from Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by Certified Mail;
11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That prior to the operation of a Vacation Home Rental on the subject property, the applicant determine the size of the three (3) sheds on the subject property, notify the Planning Director and bring them into compliance, via Building Permits – if necessary;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-05, 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 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.

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

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

Conover stated this Item was continued from the May 23, 2016, Planning Commission meeting until such time the VHR Committee was able to meet and address enforcement and penalties of VHRs in Suburban Residential Districts, the use of allowing open fires, fire pits, etc., VHRs in flood hazard areas, and numerical limits of VHRs in Zoning Districts / communities.

Staff recommended approval of Ordinance Amendment / OA 16-01.

Charlie Johnson, Chairperson of the VH Rental Committee, provided the Planning Commission with an update of the items the Planning Commission had asked the committee to address from the May 23, 2016, Planning Commission meeting.

Discussion followed.

Moved by McCollam and seconded by Landers to accept the report of the VH Rental Committee of the nine items presented by Charlie Johnson, Chairperson of VH Rental Committee, and, Ordinance Amendment / OA 16-01 will be heard at the September 26, 2016, Planning Commission meeting, to also include discussion of the nine items presented at today's meeting.

All voting aye, the Motion 6 to 0.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 22, 2016, Planning Commission meeting, with the exception of the following:

1. 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.

The Board upheld the Planning Department's recommendation to deny, 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.

2. 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.

The Board continued this item until such time the applicant is able to provide updated information regarding the water system for the proposed lots.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

- A. Building Report. Conover reviewed the Building Permit Report for August 2016.
- B. On-Site Wastewater Installer Training. Molitor informed the Planning Commission of the upcoming Installer Training scheduled for Monday, October 3rd from 7:30 a.m. to 5 p.m. at the Rushmore Plaza Civic Center.
- C. Comprehensive Plan. Conover updated the Planning Commission on the RFPs received for the Comprehensive Plan.
- D. 2016 SD Planners Conference. Ervin stated this is scheduled for October 26th through October 27th in Sioux Falls and staff would send an e-mail with updated information regarding the conference.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Zvejnieks stated he will not be in attendance for the September 26th PC meeting.

25. ADJOURNMENT

Moved by Litzen and seconded by Marsh to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:04 a.m.

Sig Zvejnieks, Chairperson