

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**September 26, 2016 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, William McCollam, Travis Lasseter, Barbara Landers, Rich Marsh, and Ron Buskerud.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Chutima Supboon, TJ Doreff, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 12, 2016, MINUTES  
**Moved by McCollam and seconded by Litzen to approve the minutes of the September 12, 2016, Planning Commission Meeting. Vote: unanimous 7 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Lasseter and seconded by McCollam to approve the Agenda of the September 26, 2016, Planning Commission Meeting. Vote: unanimous 7 to 0.**

**Moved by Lasseter and seconded by Landers to approve the Consent Calendar of the September 26 2016, Planning Commission Meeting, with the removal of Items #8 and #10. Vote: unanimous 7 to 0.**

**CONSENT CALENDAR**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 05-30:** Melvin and Mary Leui; Debarah Leui – Agent. To review a second manufactured home on the property to be used as a caretaker's residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 3, Block 7, Ashland Subdivision #2, Section 15, T2N, R8E, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 05-30 with the following nine (9) conditions:**

1. That a Building Permit be obtained for any structures 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 caretaker's residence continue to have a minimum of two (2), nine (9) foot by eighteen (18) foot parking spaces;
3. That the caretaker's residence continue to use the existing access approach from Ashland Road;
4. That the addresses for both the primary (4741 Ashland Road) and second residence (4743 Ashland Road) be continually posted at the intersection of the driveway and Ashland Road, visible from both directions of travel along Ashland Road, in accordance with Ordinance #20;
5. That the caretaker's residence be removed when care is no longer needed or the property be subdivided at that time to allow the caretaker's residence to be the principle structure on its own lot;
6. That the septic system of the removed residence be properly vacated in accordance with State Administrative Rules for on-site wastewater systems;
7. That the property must continually be kept free from debris and the property be kept clear of unlicensed or inoperable vehicles; and,
8. That any construction material on the property must be continually stacked in an orderly manner;
9. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission /or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-26:** Mark and Mary Hansen. 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 28, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 12-26 with the following eleven (11) conditions:**

1. That no RVs, trailers, or campers be occupied or used as living quarters on the subject property;
2. That the maximum overnight occupancy continue to be twelve (12) people and the maximum daytime occupancy be eighteen (18) people;
3. That the applicant continue to maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License);
4. That a minimum of four (4) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen (18) feet and maintained in a dust-free manner;
5. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G;
6. That no outside fires or fire pits be allowed on the property;
7. That the lot address (120 Heidelberg Lane) continue to be posted at all times so it is clearly visible from Heidelberg Lane in accordance with Ordinance #20;
8. That if the person designated as the Local Contact is ever changed from Executive Lodging, the interior informational sign be updated and the applicant re-notify the Planning Department and the surrounding landowners within 500 feet via Certified Mail;
9. That a sign be continually posted at the end of the driveway, providing contact information for the Local Contact (Executive Lodging);
10. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times; and,
11. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous 7 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-28:** Albert and Rita Chapman. 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.

Lots 9-12, Block 3, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 12-28 with the following six (6) conditions:**

1. **That the Vacation Home Rental be limited to two (2) bedrooms and that the maximum occupancy of the Vacation Home Rental be determined by the South Dakota Department of Environment and Natural Resources (SD DENR);**
2. **That the applicants continue to comply with the requirements of Section 319 of the Zoning Ordinance at all times, including the Performance Standards and the requirement to post an Interior Informational Sign;**
3. **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. The parking area shall be continually designated on-site;**
4. **That the address (9307 Saint Joseph Street) be continually properly posted on the residence and so it is visible in both directions of travel on Saint Joseph Street, in accordance with Pennington County's Ordinance #20;**
5. **That all applicable Federal, State, and Local regulations continue to be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals; and,**
6. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

**Vote: unanimous 7 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 12-29:** Albert and Rita Chapman. 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.

Lots 5-10, Block 2, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 12-29 with the following six (6) conditions:

1. That the Vacation Home Rental be limited to one (1) bedroom and that the maximum occupancy of the Vacation Home Rental be determined by the South Dakota Department of Environment and Natural Resources;
2. That the applicants continue to comply with the requirements of Section 319 of the Zoning Ordinance at all times, including the Performance Standards and the requirement to post an Interior Informational Sign;
3. That a minimum of one (1) off-street parking space 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. The parking area shall be continually designated on-site;
4. That the address (9209 Saint Joseph Street) be continually properly posted on the residence and so it is visible in both directions of travel on Saint Joseph Street, in accordance with Pennington County's Ordinance #20;
5. That all applicable Federal, State, and Local regulations continue to be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals; and,
6. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous 7 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-18:** Rapid Valley United Methodist Church; Doug Nix – Agent. To review an illuminated, existing on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot A in NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-18 with the following six (6) conditions:

1. That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be

effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;

2. That additional Sign Permit(s) be obtained for any on-premise signs, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the sign must continually meet a minimum of a five (5) foot setback from the front property lines and maintain proper setbacks from all side and rear property lines;
5. That the sign continues to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
6. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

9. **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 September 12, 2016, Planning Commission meeting.)

**To approve of Conditional Use Permit / CU 16-25 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 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 applicants 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 applicants 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 three (3) 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 (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, 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 Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicants 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 from Bailee Goodwin, 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 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;
14. That the comments provided by the U.S. Forest Service be provided to the applicants and the applicants continually adhere to those comments;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-25, 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 or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

11. **CONDITIONAL USE PERMIT / CU 16-31:** Black Hills Raptor Center; Maggie Engler - Agent. To allow a bird education and health facility on a portion of the subject property located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT NW1/4SE1/4 less RTY, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 16-31 with the following thirteen (13) conditions:**

1. That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;
2. That prior to the approval of any Building Permit(s), the applicant obtain written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;
3. The prior to the approval of a Building Permit, the applicant meet with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for CU 16-31;
4. That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic



**Building (not to exceed a total of 3,000 square feet); Semi-heated mews (not to exceed a total of 1,120 square feet); Unheated mews (not to exceed a total of 1,120 square feet); Storage and hallway to exterior of mews (not to exceed a total of 840 square feet); Cold storage (not to exceed a total of 1,000 square feet); Heated Storage / workshop (not to exceed a total of 500 square feet); Three (3) Rehab pods (not to exceed a total of 1,600 square feet total); Pole Barn used for flights (not to exceed a total of 6,000 square feet); Residence (not to exceed 1300 square feet); Garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;**

- 5. That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction Storm Water Quality Best Management Practices (Section 203);**
- 6. That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;**
- 7. That the applicant obtains an approved On-Site Wastewater Construction Permit for a septic system designed to handle the Conditional Use prior to the issuance of a Building Permit and that the means of wastewater disposal also be approved by the South Dakota Department of Environment and Natural Resources;**
- 8. That the applicant adheres to all necessary County, State and Federal regulations and maintains the necessary permits to conduct the organization's activities;**
- 9. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;**
- 10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance. An approved Sign Permit will need to be obtained prior to the installation of the sign;**
- 11. That a minimum of twenty-eight (28) off-street parking spaces be provided Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;**

12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
13. That Conditional Use Permit / CU 16-31 be reviewed in one (1) year, on a complaint basis, r as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met and that the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-31, which is available at the Planning Office.

**Vote: unanimous 7 to 0.**

12. **CONDITIONAL USE PERMIT / CU 16-32:** Lynn and Gloria Smith. To allow an existing single-family residence to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 2 Less ROW; S1/2NE1/4; SE1/4 Less 1AC and PT Lot 1 S of RR ROW, Section 2, T1N, R11E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 16-32 with the following nine (9) conditions:**

1. That the applicant signs a "Ranch Hand's Statement" verifying that the hired ranch hand will be directly engaged in the operation of the farm or ranch located on the subject property, which is available at the Planning Office;
2. That the ranch hand's residence be occupied by a ranch hand or used as housing for hired help at all times, and is not be used as a rental by someone not engaged in the operation of the farm or ranch located on the subject property;
3. That separate addresses be assigned for both residences on the subject property and that each be posted both where the driveway meets 164th Avenue and on the individual structures so as to be visible from either direction of travel in numbers large enough to read, in accordance with Pennington County's Ordinance #20;
4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property;
7. That Conditional Use Permit / CU 16-32 be automatically ended and the ranch hand's residence be removed or the subject property be subdivided, if the operation of the farm or ranch is discontinued, the ranch hand is no longer needed, or the ranch hand's residence is used as a rental by someone not engaged in the operation of the farm or ranch located on the subject property;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-32, which is available at the Planning Office; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

13. **CONDITIONAL USE PERMIT / CU 16-33:** Clinton Nulle. To allow a single-wide mobile home to be used as a permanent single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 16-33 with the following twelve (12) conditions:**

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done to install it on the property;
2. That the septic tank be repaired within thirty (30) days of approval of Conditional Use Permit / CU 16-33;
3. That the applicant obtain an Operating Permit prior to the first review of Conditional Use Permit / CU 16-33;

4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
5. That the property be brought into compliance with Ordinance 106 by the time of the first review of Conditional Use Permit / CU 16-33, and the subject property remains free of debris and junk vehicles;
6. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
7. That CFR 60.3(b)(8) standards be met requiring that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces;
8. 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;
9. That the address (785 C&F Avenue) be clearly posted on the residence and so that it is visible from C&F Avenue, in accordance with Pennington County's Ordinance #20;
10. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-33, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

- 14. 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.

(Continued from the August 22, 2016, Planning Commission meeting.)

**To recommend approval of the extension of Planned Unit Development Amendment / PU 06-03 with the following ten (10) conditions:**

- 1. That the Planned Unit Development consists of no more than 75 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 1/2 acre;**
- 2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 3. That no off-premise signs be allowed within the Planned Unit Development;**
- 4. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses, as determined by the Planning Director, shall require an amendment to this Planned Unit Development;**
- 5. That the required minimum setbacks meet the Suburban Residential Zoning requirements;**
- 6. That each address must be posted in accordance with Pennington County Ordinance #20;**
- 7. That prior to any new Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City platting requirements and the applicant must install road signs for the new roads;**

8. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204-I of the Pennington County Zoning Ordinance;
9. That road widths are 28-feet-wide, with 4-foot to be reserved for pedestrians and non-motorized travel; and,
10. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

15. **CONSTRUCTION PERMIT / CP 16-09:** Lazy P6 Land Co. Inc. / Orvill Davis. To continue work initiated under Construction Permits 13-05, 14-02, and 15-14. Reclamation of hay pasture west of Fifth Street and to continue stockpiles of off-site soil material for future use on-site. Miscellaneous channel maintenance, removal of debris, and sediment.

Unit I less dedicated E. Watts Lane ROW; Unit II; and Unit III of Southgate Condominiums Phase I; Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 16-09 with the following nine (9) conditions:**

1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. 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;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;
5. That any natural drainage ways and paths be continually maintained;
6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;

7. 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;
8. That the applicant sign a Statement of Understanding within ten (10) days of Construction Permit approval, which is available at the Planning Office; and,
9. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.

**Vote: unanimous 7 to 0.**

- 16. CONSTRUCTION PERMIT / CP 16-10:** City of Rapid City. To install a new sewer main for the City of Rapid City from Cobalt Drive (east end) to Auburn Drive (west end) across existing pasture land.

W1/2NE1/4; THAT PT OF SE1/4NW1/4 LYING NAND E OF HAINES AVE; THAT PT OF NE1/4SW1/4 LYING N AND E OF HAINES AVE; NW1/4SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 16-10 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 any natural drainage ways and paths be continually maintained;
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 during the period of construction, Haines Avenue is not blocked and functions as a principal arterial street;
8. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
9. That a temporary address be assigned for both of the contractor staging areas and posted at the entrance to each staging area so that they are visible from both directions of travel on Viking Drive and Cobalt Drive respectively, in accordance with Pennington County's Ordinance #20;
10. That the applicant sign a Statement of Understanding within ten (10) business 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 7 to 0.**

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

8. CONDITIONAL USE PERMIT REVIEW / CU 15-21: Dan and Tracey Laher. To review an accessory structure (a pole barn) prior to a principle residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Block 1, Jackson Subdivision, Section 9, T2N, R9E, BHM, Pennington County, South Dakota.

Commissioner Zvejnieks asked to have this Item removed from the Consent Calendar to discuss amending Condition #8 that this item be reviewed on a complaint basis only.

Bolstad stated this is a review of the applicant's Conditional Use Permit to allow an accessory structure (a pole barn) prior to a principle residence on the subject property.

Staff recommended approval of the extension of Conditional Use Permit / CU 15-21 with the following eight (8) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;



2. That the address assigned for the pole barn (15010 225<sup>th</sup> Street) be continually posted both on the individual structure and at the end of the driveway so that it is visible from both directions of 225<sup>th</sup> Street, in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That the subject property continues to remain free of debris and junk vehicles;
5. That the accessory structure continue to be used for personal use only and no commercial-type uses;
6. That an approved On-Site Wastewater Construction Permit be obtained, if the applicant chooses to install any plumbing within the accessory structure;
7. That Conditional Use Permit / CU 15-21 be automatically ended if an approved Building Permit for a principle structure on the subject property is obtained; and,
8. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Zvejnieks and seconded by Lasseter to approve of the extension of Conditional Use Permit / CU 15-21, with an amendment to Condition #8, with the following eight (8) conditions:**

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the address assigned for the pole barn (15010 225<sup>th</sup> Street) be continually posted both on the individual structure and at the end of the driveway so that it is visible from both directions of 225<sup>th</sup> Street, in accordance with Pennington County's Ordinance #20;**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 4. That the subject property continues to remain free of debris and junk vehicles;**

5. **That the accessory structure continue to be used for personal use only and no commercial-type uses;**
6. **That an approved On-Site Wastewater Construction Permit be obtained, if the applicant chooses to install any plumbing within the accessory structure;**
7. **That Conditional Use Permit / CU 15-21 be automatically ended if an approved Building Permit for a principle structure on the subject property is obtained; and,**
8. **That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 7 to 0.**

10. CONDITIONAL USE PERMIT / CU 16-30: Carol and Paul Niemann. To allow for an accessory structure, pole barn, prior to a primary structure on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot O of SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar to correct Section 206 to 205 for a General Agriculture District.

Conover stated the applicants have applied for a Conditional Use Permit to allow an accessory structure, pole barn, prior to a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 16-30 with the following twelve (12) conditions:

1. That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;
2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction of the structure, which requires a site plan to be reviewed and approved by the Planning Director;
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 minimum setback requirements of a General Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That the accessory structure be used for personal use only and no commercial-type uses;
7. That the applicant obtains an approved Approach Permit from the Pennington County Highway Department prior to the issuance of a Building Permit;
8. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
9. That the access on Highway 385 is not used as a means of ingress or egress onto the subject property;
10. That the property owner is aware of the U.S. Forest Service requirements at all times;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-30, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Marsh and seconded by Litzen to approve of Conditional Use Permit / CU 16-30 with the following twelve (12) conditions:**

- 1. That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;**
- 2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction of the structure, which requires a site plan to be reviewed and approved by the Planning Director;**
- 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 minimum setback requirements of a General Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That the accessory structure be used for personal use only and no commercial-type uses;
7. That the applicant obtains an approved Approach Permit from the Pennington County Highway Department prior to the issuance of a Building Permit;
8. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
9. That the access on Highway 385 is not used as the main means of ingress or egress onto the subject property, only for emergency and well access, pending SD Department of Transportation approval;
10. That the property owner is aware of the U.S. Forest Service requirements at all times;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-30, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

**All voting aye, the Motion carried 7 to 0.**

17. REZONE / RZ 16-10: Denny Henrikson. To rezone 5.11 acres from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Tract 5, Wileman Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 5.11 acres from Low Density Residential District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 16-10.

Discussion followed.

**Moved by Litzen and seconded by Landers to approve of Rezone / RZ 16-10.**

**All voting aye, the Motion carried 7 to 0.**

18. 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 September 12, 2016, Planning Commission meeting.)

Conover noted that this item was continued from the September 12, 2016, Planning Commission meeting, and further stated the Planning Commission voted to accept the report of the nine items from the VH Rental Committee, as presented by Charlie Johnson, Chairperson of VH Rental Committee.

Discussion followed.

Commissioner McCollam left the meeting at 10:42 a.m.

Planning Commission recessed at 11:16 a.m.

Planning Commission reconvened at 11:24 a.m.

Discussion further followed.

Moved by Litzen to continue Ordinance Amendment 16-01 to the October 10, 2016, Planning Commission meeting to discuss the items that are not related to the Suburban Residential District portions of Section 319, and to also send the Ordinance Amendment for another advertisement for the October 24, 2016, Planning Commission meeting where the Planning Commission will hear proposed changes to the Vacation Home Rental Ordinance.

Substitute Motion: Moved by Litzen to continue Ordinance Amendment 16-01 to the October 10, 2016, Planning Commission meeting to discuss portions of Section 319, and to also send the Ordinance Amendment for advertisement again, once in the three designated newspapers, for the October 24, 2016, Planning Commission meeting scheduled for 9 a.m. to discuss proposed Vacation Home Rental changes. Seconded by Marsh.

Discussion followed to hold the meeting scheduled for October 24<sup>th</sup> in the evening.

**SUBSTITUTE MOTION: Moved by Lasseter and seconded by Landers to continue Ordinance Amendment / OA 16-01 to the October 10, 2016, Planning Commission meeting to discuss portions of Section 319, and to also send the Ordinance**

**Amendment for advertisement again, once in the three designated newspapers, for the October 24, 2016, Planning Commission meeting to be scheduled for 6:30 p.m. to discuss proposed Vacation Home Rental changes.**

**Roll call vote: Marsh – yes; Buskerud – abstained; Litzen – No, Zvejnieks – Yes; Lasseter – Yes; and Landers – Yes. Second Substitute Motion passes 4 to 1. Commissioner Buskerud abstained.**

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 12, 2016, Planning Commission meeting

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

21. ITEMS FROM THE STAFF

A. On-Site Wastewater Installer Training. Conover informed the Planning Commission of the upcoming On-Site Wastewater Installer Training scheduled for Monday, October 3<sup>rd</sup> at the Rushmore Plaza Civic Center.

B. 2016 SD Planners Conference. Conover stated this conference is scheduled October 26<sup>th</sup> through October 27<sup>th</sup> in Sioux Falls.

22. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

23. ADJOURNMENT

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

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

**The meeting adjourned at 11:57 a.m.**

---

Sig Zvejnieks, Chairperson