

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 10, 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 Nancy Trautman.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Kinsley Groote (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 26, 2016, MINUTES
Moved by Marsh and seconded by Litzen to approve the minutes of the September 26, 2016, Planning Commission Meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Lasseter to approve the Agenda of the October 10, 2016, Planning Commission Meeting. Vote: unanimous 7 to 0.

Moved by Lasseter and seconded by Litzen to approve the Consent Calendar of the October 10, 2016, Planning Commission Meeting, with the removal of Item #9. 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 92-19:** Harold Willis. To review a mobile home as a caretaker's residence in a Low Density Residential District in accordance with Section 204-D and 510 of the Pennington County Zoning Ordinance.

Lot 4, Vaughn Addition, Section 19, T2N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 92-19 with the property owner's concurrence.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-37:** Kolin and Michele Sperle. To review an accessory structure, a caboose, in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C-15, Wolframite Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 10-37 with the following six (6) conditions:

1. That the lot address (12794 Wolframite Road) continues to be properly posted in accordance with Pennington County's Ordinance #20 so it is clearly visible at the intersection of the driveway with Wolframite Road;
2. That the caboose continue to be utilized as a studio/workshop only and shall contain no residential living quarters. If the applicant chooses to reside within the caboose, a new Conditional Use Permit shall be obtained and the Building Permit shall be amended;
3. That the caboose continue to be used for personal use only. No commercial activity shall be permitted;
4. That the property continue to remain free of debris and junk vehicles;
5. That a Building Permit for a single-family residence be applied for within six (6) months or the Conditional Use Permit be amended to use the caboose as a primary residence; and,
6. That this Conditional Use Permit be reviewed in six (6) months, 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 12-21:** Ken and Cory Tomovick. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

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

To approve of the extension of Conditional Use Permit / CU 12-21 with the following seven (7) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of eight (8) people;
2. That a minimum of three (3) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address (23639 Strato Bowl Road) continue to be properly posted on both the residence and at the approach so it is visible from both directions of Strato Bowl Road in accordance with Pennington County's Ordinance #20;
4. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants obtain and maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That applicants continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
7. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **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.

(Continued from the September 12, 2016, Planning Commission meeting.)

To end Conditional Use Permit / CU 12-23 with the applicant's concurrence.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 13-22:** Dudley and Ila LaPointe. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 25, Block 7, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 13-22 with the following ten (10) conditions:

1. That a Building Permit be obtained for a new mobile home only after the Pennington County Environmental Planner has approved the applicant's proposal to either install a new On-Site Wastewater Treatment System or relocate the existing driveway;
2. That the applicant either install a new On-Site Wastewater Treatment System or relocate the driveway and obtain a Building Permit for a single-family residence within one (1) year, or Conditional Use Permit / CU 13-22 be automatically revoked;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
5. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
6. That the property continue to be kept free of debris and junk vehicles and the truck, located on-site, be licensed or removed prior to issuance of a Building Permit, in accordance with Pennington County's Ordinance #106;
7. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;
8. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
9. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
10. 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.

- 8. CONDITIONAL USE PERMIT REVIEW / CU 16-08: Bituminous Paving / Bill Krakowski. To review a temporary asphalt plant and stockpile site for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.**

SW1/4, W1/2SE1/4 less right-of-way, Section 3, T1S, R16E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-08 with the applicant's concurrence.

Vote: unanimous 7 to 0.

- 10. MINOR PLAT / PL 16-17: Russell or Kimberly Johnson. To reconfigure lot lines to create Tracts 7R and 8R of Storm Hill Subdivision in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.**

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

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

To recommend approval of Minor Plat / PL 16-17 with the following seven (7) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the plat meets all of 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 prior to filing the Plat with the Register of Deeds, the plat meets all of the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than**

one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line Rights-of-Way, and topographic information be provided of the subject properties at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;

5. That prior to filing the Plat with the Register of Deeds, the Certificate of Director of Equalization be correctly spelled;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-17, which is available at the Planning Office.

Vote: unanimous 7 to 0.

END OF CONSENT CALENDAR

9. CONDITIONAL USE PERMIT AMENDMENT / CU 93-05: DH Storage, LLC; Kory Weisbeck - Agent. To amend an existing Conditional Use Permit to add additional storage units on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot D less dedicated Right-of-Way, Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar to note the file number needs to be changed from 93-50 to 93-05.

Staff recommended approval of the extension of Conditional Use Permit Amendment / CU 93-05 with eight (8) conditions.

Moved by Litzen and seconded by Marsh to approve of the extension of Conditional Use Permit Amendment / CU 93-05 with the following eight (8) conditions:

1. That a Building Permit be obtained for the new storage units and 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;

2. That a maximum of twelve (12) storage buildings be allowed on the subject property. Any additional storage units beyond the maximum number will require a Conditional Use Permit Amendment and approval by the Planning Commission;
3. That the storage units be rented strictly for the purpose of storage and that no commercial businesses be conducted on the subject property by renter(s) of the storage unit(s);
4. That the address (2280 Seger Drive) be posted on the property so that it is visible from both directions of travel on Seger Drive, in accordance with Pennington County's Ordinance #20;
5. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
6. That an approved Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit Amendment / CU 93-05, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed on a complaint basis or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

11. LAYOUT PLAT / PL 16-24: Deborah Munyan. To create Lots 1-3 of Munyan Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1 less Bradsky Road; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1, Lot 2, and Lot 3, Munyan Addition; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1-3 of Munyan Addition.

Staff recommended denial of Layout Plat / PL 16-24, as the proposed subdivision would further increase density on a dead-end road system with only one (1) means of vehicular ingress and egress.

If the Planning Commission chooses to approve Layout Plat / PL 16-24, staff recommended the following eleven (11) conditions:

1. That a secondary means of vehicular ingress and egress be constructed as required by Pennington County Subdivision Regulations Section 500.5 – Table 1: Dead-End Road System, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That prior to filing the Plat with the Register of Deeds, proposed Lots 1, 2, and 3 be Rezoned or approved Lot Size Variance(s) be obtained;
3. That at the time of new Plat submittal, a note be included on the plat showing how much acreage is located in the Right-of-Way;
4. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots 2 and 3 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of new Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That at the time of new Plat submittal, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That “Munyan Subdivision” be changed to “Munyan Estates” or some other subdivision name deemed acceptable by the Register of Deeds;
9. That addresses be properly posted on the existing residence and any future residences constructed on proposed Lots 2 or 3 and at the approaches so they are visible from both directions of travel on Bradsky Road, in accordance with Pennington County’s Ordinance #20;

10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-24, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Landers and Litzen to continue Layout Plat / PL 16-24 to the November 14, 2016, Planning Commission meeting.

SUBSTITUTE MOTION: Moved by Landers and seconded by Litzen to continue Layout Plat / PL 16-24 to the October 24, 2016, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

12. REZONE / RZ 16-09: Pacifica Loan Pool, LLC; Davis Engineering – Agent. To rezone 45.00 acres from General Agriculture District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NW1/4NE1/4; N1/2SE1/4 NW1/4 NE1/4; NW1/4SW1/4NE1/4NE1/4; E1/2SW1/4 NE1/4NE1/4; SE1/4NE1/4NE1/4; E1/2W1/2SE1/4 NE1/4; NE1/4SE1/4 NE1/4, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from September 12, 2016, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied to rezone 45.00 acres from General Agriculture District to Limited Agriculture District.

Staff recommended approval of Rezone / RZ 16-09.

Moved by Marsh and seconded by Litzen to approve of Rezone / RZ 16-09.

All voting aye, the Motion carried 7 to 0.

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

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

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

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

Staff recommended approval of Planned Unit Development / PUD 16-03, with the following fifty-nine (59) conditions:

1. That the applicants sign a Statement of Understanding (SOU) within ten (10) days of the Second Reading of PUD 16-03. The SOU is available at the Planning Department;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the applicants ensure the residential character of the property is maintained;

4. That daily and event operations of the specialty resort be conducted by owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the business sign (the one proposed, by the applicant, for placement on the brick wall by the applicant) which directs attention to the Bed and Breakfast, shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
7. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20;
8. That the applicant maintain an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45;
10. That the roadways should consist of a 24-foot-wide, 4-inch graveled driving surface to accommodate two-way traffic and to be maintained by the applicable Street Authority;
11. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
12. That temporary structures, such as tents, only be erected for period not to exceed ten (10) continuous months in any calendar year, after the approval of a Temporary Building Permit, or the applicant obtain a regular Building Permit for a tent or a more permanent structure;
13. That temporary port-a-potties only be placed on subject properties when needed, not to exceed ten (10) continuous months in any calendar year;
14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the

South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;

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

feet of heated area on the main floor, not including basements, porches, screened porches, garaged or stoops;

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

38. That any non-operating vehicles, equipment, unused objects or apparatus, or any portion thereof, shall not be permitted to remain on any lot;
39. That no more than two (2) of the following may be parked on any lot within the Planned Unit Development and must be stored within an enclosed garage or an ancillary/accessory structures: boats, motorcycles, trailers, travel trailers, campers, or other recreational vehicles;
40. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer and/or architectural review board prior to the issuance of a Sign Permit issued by the Planning Director;
41. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10-11-12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;
42. That Lots 3, 4, 10, 11, and 12 of the Specialty Resort be for a Bed and Breakfast up to ten (10) rooms and events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, Christmas parties and other types of small gatherings similar in nature, up to a maximum of 150 daily guests. The Specialty Resort also be allowed to have: Beer and Wine sales (with applicable permits), a Bistro, Gift Shop, Spa, Cabana/Gazebo, storage shed, and to also be used as a Vacation Home Rental and private single-family residence;
43. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental; bed and breakfast, or specialty resort;
44. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, for use by friends and family of the PUD or for one (1) of the following with approved permits: single-family dwelling, vacation home rental, bed and breakfast, and specialty resort. The existing on-site wastewater treatment systems must comply with Section 204-J and obtain an Operating Permit prior to County Board approval;
45. That Lots 19 and 22 each allow for one (1) of the following with approved permits: Single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;

46. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, bed and breakfast, specialty resort, and easement (with proper permits) for future underground holding tanks for designed and engineered water system;
47. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
48. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: specialty resort, bed and breakfast, single-family dwelling, and Vacation Home Rental;
49. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, specialty resort, bed and breakfast, single-family dwelling and Vacation Home Rental;
50. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
51. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
52. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
53. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
54. That Lot 29 have a fifteen (15) foot front, rear and side yard setbacks;
55. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
56. That proposed Guest Houses, on specified lots, must comply with Section 318 of the Pennington County Zoning Ordinance;
57. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval;
58. That Conditional Use Permit / CU 14-04 end once Planned Unit Development / PUD 16-03 is approved; and,

59. That this Planned Unit Development be reviewed on April 24, 2017, or upon complaint of violation of applicable provisions of the Zoning Ordinance, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

Discussion followed.

Planning Commission recessed at 11:10 a.m.

Planning Commission reconvened at 11:18 a.m.

Moved by Landers and seconded by Lasseter to temporarily table Item #13. All voting aye, the Motion carried 7 to 0.

14. 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 26, 2016, Planning Commission meeting.)

Moved by Landers and seconded by Lasseter to continue Ordinance Amendment / OA 16-01 to the October 24, 2016, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

Moved by Lasseter and seconded by Litzen to hear Item #13. All voting aye, the Motion carried 7 to 0.

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

Discussion further followed.

Commissioner McCollam left the meeting at 11:40 a.m.

Moved by Litzen and seconded by Marsh to approve of Planned Unit Development / PU 16-03 with changes in Conditions #6, #9, #12, and #42 and the language in the Conditions of Approval referencing Developers and/or Architectural Review Board be changed or made consistent with the existing Covenants, with the following fifty-nine (59) conditions:

1. That the applicants sign a Statement of Understanding (SOU) within ten (10) days of the Second Reading of PUD 16-03. The SOU is available at the Planning Department;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the applicants ensure the residential character of the property is maintained;
4. That daily and event operations of the specialty resort be conducted by owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the business sign (the one proposed, by the applicant, for placement on the brick wall by the applicant) which directs attention to the Bed and Breakfast, shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision square feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
7. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20;
8. That the applicant maintain an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45 until an established use has been determined for Lot 45;
10. That the roadways should consist of a 24-foot-wide, 4-inch graveled driving surface to accommodate two-way traffic and to be maintained by the applicable Street Authority;

11. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
12. That temporary structures, such as tents, only be erected after the approval of a Temporary Building Permit, or the applicant obtain a regular Building Permit for a tent or a more permanent structure;
13. That temporary port-a-potties only be placed on subject properties when needed, not to exceed ten (10) continuous months in any calendar year;
14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
16. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
18. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental(s);
21. That port-a-potties may be utilized by the guests of the events for wastewater disposal at a ratio of one port-a-potty per 50 guests. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
22. That prior to the placement of any on and off-premise signs, the applicant must obtain approval of a Sign Permit;

23. 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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development / PU 16-03;
24. That Summer Creek Drive should have a minimum of a 4-inch gravel surface and be maintained in a dust free manner;
25. That measures be taken by the Road District, along Summer Creek Road and parking spaces, prohibiting people from backing directly into the Right-of-Way of Summer Creek Drive;
26. That the Planned Unit Development consist of not more than 40 structures, consisting of single-family dwellings, detached accessory buildings, Vacation Home Rental, specialty resort, bed and breakfast, and event building;
27. That dwellings of two stories within the Planned Unit Development must have a heated, enclosed floor area of at least 1,400 sq. feet; having not less than 800 sq. feet of heated area on the main floor, not including basements, porches, screened porches, garaged or stoops;
28. That dwellings of a single-story within the Planned Unit Development shall have a heated, enclosed ground floor area of at least 1,000 sq. feet, not including basements, porches, screened porches, garages or stoops;
29. That all split level or multi-level dwellings (not including two story dwellings) within the Planned Unit Development shall have a heated enclosed floor area of at least 1,300 sq. feet, not including: porches, screened porches, garages, stoops, or basements, unless approved in writing by the Developer, prior to a Building Permit being approved by the Planning Director;
30. That all enclosed attached and detached garages within the Planned Unit Development must be a minimum of 265 square feet, unless otherwise approved in writing by the Developer, prior to a Building Permit being approved by the Planning Director;
31. That all garages, within the Planned Unit Development shall be constructed in substantial architectural conformity with the construction of the dwelling;
32. That all ancillary/accessory structures and storage sheds within the Planned Unit Development must be approved in writing by the Developer or architectural review board and must be maintained by the lot owner;
33. That carports and pole buildings are not allowed within the Planned Unit Development;

34. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;
35. That each lot owner shall provide off-street parking spaces for at least two vehicles, prior to the occupancy of any dwelling constructed on said lot, in accordance with reasonable standards established by the Developer, with a minimum size requirement of nine (9) feet by eighteen (18) feet;
36. That all boats, motorcycles, trailers, travel trailers, campers, or other recreational vehicles, not to exceed two in number, must be parked and/or stored within a garage or fully enclosed ancillary/accessory structure;
37. That any vehicle that is required to be registered with the South Dakota Department of Motor Vehicles, which is not so registered, may not be kept on the lot, unless such vehicle is stored in an enclosed garage;
38. That any non-operating vehicles, equipment, unused objects or apparatus, or any portion thereof, shall not be permitted to remain on any lot;
39. That no more than two (2) of the following may be parked on any lot within the Planned Unit Development and must be stored within an enclosed garage or an ancillary/accessory structures: boats, motorcycles, trailers, travel trailers, campers, or other recreational vehicles;
40. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer and/or architectural review board prior to the issuance of a Sign Permit issued by the Planning Director;
41. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10-11-12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;
42. That Lots 3, 4, 10, 11, and 12 of the Specialty Resort be for a Bed and Breakfast up to ten (10) rooms and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, Christmas parties and other types of small gatherings similar in nature, up to a

maximum of 150 daily guests. The Specialty Resort also be allowed to have: Beer and Wine sales (with applicable permits), a Bistro, Gift Shop, Spa, Cabana/Gazebo, storage shed, and to also be used as a Vacation Home Rental and private single-family residence;

43. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental; bed and breakfast, or specialty resort;
44. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, for use by friends and family of the PUD or for one (1) of the following with approved permits: single-family dwelling, vacation home rental, bed and breakfast, and specialty resort. The existing on-site wastewater treatment systems must comply with Section 204-J and obtain an Operating Permit prior to County Board approval;
45. That Lots 19 and 22 each allow for one (1) of the following with approved permits: Single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
46. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, bed and breakfast, specialty resort, and easement (with proper permits) for future underground holding tanks for designed and engineered water system;
47. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
48. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: specialty resort, bed and breakfast, single-family dwelling, and Vacation Home Rental;
49. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, specialty resort, bed and breakfast, single-family dwelling and Vacation Home Rental;
50. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
51. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;

52. That Lots 10, 11, and 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
53. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
54. That Lot 29 have a fifteen (15) foot front, rear and side yard setback;
55. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
56. That proposed Guest Houses, on specified lots, must comply with Section 318 of the Pennington County Zoning Ordinance;
57. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval;
58. That Conditional Use Permit / CU 14-04 end once Planned Unit Development / PUD 16-03 is approved; and,
59. That this Planned Unit Development be reviewed on April 24, 2017, or upon complaint of violation of applicable provisions of the Zoning Ordinance, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

Commissioner Landers stated she would not be voting in favor of the proposed Planned Unit Development, as the proposed plan does not fit with the PUD Ordinance requirements in the Zoning Ordinance.

Roll call vote on Motion to approve: Marsh, Trautman, Litzen, Zvejnieks, and Lasseter voted yes. Landers voted No. Motion to approve carries 5 to 1.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 26, 2016, Planning Commission meeting

16. ITEMS FROM THE PUBLIC

There no items from the public.

17. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for September 2016.
- B. Comprehensive Plan. Conover informed the Planning Commission of a Special Board of Commissioner's meeting scheduled for 9 a.m. on Thursday, October 20, 2016, to hear three proposals.
- C. Conditional Use Permit 16-31 (Black Hills Raptor Center). Conover explained that this item has been appealed and will be heard at the October 18, 2016, Board of Commissioner's meeting.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Landers spoke of the City of Rapid City's short-term rentals.

Commissioner Litzen stated she will not be at the November 14th and November 28th meetings.

19. ADJOURNMENT

Moved by Lasseter and seconded by Marsh to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 12:26 a.m.

Sig Zvejnieks, Chairperson