

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**January 23, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen (Skype), Rich Marsh Travis Lasseter, Barbara Landers, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Chutima Supboon, Angela Shute (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JANUARY 9, 2017, MINUTES  
**Moved by Lasseter and seconded by Marsh to approve the minutes of the January 9, 2017, Planning Commission Meeting. Roll Call Vote: Litzen – aye, Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Marsh and seconded by Travis to approve the Agenda of the January 9 2017, Planning Commission Meeting. Roll Call Vote: Litzen – aye, Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: unanimous 6 to 0.**

**Moved by Landers and seconded by Lasseter to approve the Consent Calendar of the January 9, 2017, Planning Commission Meeting with the removal of Item #9. Roll Call Vote: Litzen – aye, Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: unanimous 6 to 0.**

**CONSENT CALENDAR**

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

3. CONDITIONAL USE PERMIT REVIEW / CU 71-04: David and Andrea Allard. To review a mobile home park in a General Commercial District in accordance with Sections 209, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR RTY Across Lot 1, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 71-04 with the following nine (9) conditions:**

1. That the mobile home park has a maximum of seven (7) single-wide mobile home spaces;
2. That an approved Floodplain Development Permit be obtained *prior to* any disturbance within the boundaries of the Special Flood Hazard Area;
3. That this Conditional Use Permit be amended *prior to* any expansion of uses or the addition of any single-wide mobile homes exceeding the maximum allowed spaces;
4. That the address (13250 W. Highway 44) continually be clearly posted at the driveway so that it is visible from both directions of travel on W. Highway 44, in accordance with Pennington County's Ordinance #20 and lot numbers continually be clearly posted on each mobile home;
5. 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;
6. That all new mobile homes shall meet the requirements of Pennington County Zoning Ordinance Section 305 (Mobile Home Parks);
7. That any new single-wide mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
8. The subject property remains free of debris and junk vehicles; and,
9. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 95-36:** Eugene and Marsha Pluth. To review a single-wide mobile home to be used as a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1A of Lot 1, Four-M Subdivision, Section 18, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 95-36 with the following seven (7) conditions:**

1. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;
3. That the subject property continually remains free of debris and junk vehicles, in accordance with Ordinance 106;
4. That the single-wide mobile home installed on the property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. That the address assigned to the property (4910 W. Nike Road) continue to be clearly posted on the residence and at the driveway so that it is visible from both directions of travel on W. Nike Road, in accordance with Pennington County's Ordinance #20;
6. That the mobile home continue to use the existing shared access approach from W. Nike Road; and,
7. 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.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 00-65:** Joyce Metz; Cathy Little Bull - Agent. To review a caretaker's residence in a Limited Agriculture District in accordance with Sections 206-C and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Tract A less Right-of-Way, Metz Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 00-65 to the February 13, 2017, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 10-40:** Jayne Heying-Bilka. To review a home occupation in an accessory structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4 less Lot 3 of RC Airport Sub #4 and less ROW, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the January 9, 2017, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 10-40 with the following nine (9) conditions:

1. That the address (22988 Hidden Springs Road) continues to be properly posted so it is clearly visible from both directions of travel along Hidden Springs Road in accordance with Pennington County's Ordinance #20;
2. That the business shall continually be operated by members of the family residing on the premises and no more than one (1) additional employee;
3. That the home occupation continues to only be conducted in the accessory shed structure or primary residence and no other structure on the property. Prior to the use of any other structures for the home occupation, this Conditional Use Permit must be amended;
4. That storage for the home occupation be continually kept entirely indoors;
5. That a minimum of three (3) off-street parking spaces be continually provided, and that each parking space shall not be less than one hundred sixty two square feet, or nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in a dust-free manner;
6. That the home occupation continually appears secondary to the primary, residential use of the property and the residential character of the property be maintained;
7. That the applicant continually only sells goods off-premise and no on-premise retail sales be allowed;
8. 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; and,
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 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 14-35:** Brad Nible. To review a multiple-family dwelling in a Suburban Residential District, to rent out the home/basement, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block 1, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 14-35 to the February 13, 2017, Planning Commission meeting.

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 15-37:** Peaceful Valley Hideaway, LLC (William and Valerie Landis). To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 15-37 with the following sixteen (16) conditions:**

1. **That the applicant may not use the property as a Vacation Home Rental until such time as the property is converted back into a single-family dwelling and the Multi-Family Dwelling Conditional Use Permit (CU 15-30) is removed from the property;**
2. **That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these updated licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
3. **That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people;**
4. **That if any additions to the structure and/or if 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;**
5. **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;**
6. **That an On-site Wastewater Construction Permit be obtained for any upgrades or changes to the existing on-site wastewater treatment system;**
7. **That the minimum of five (5) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced**

with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;

8. That an interior information sign 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 Department respectively, during operation of the VHR;
9. That the property be kept free of debris and junk vehicles;
10. That each sleeping room has a smoke detector and each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated and be replaced in compliance with manufacturers' specifications;
11. That the applicant has at least one 2A-BC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure and that they be serviced each year;
12. That the lot address be posted at all times on the residence and so it is clearly visible from Bogus Jim Road, in accordance with Pennington County's Ordinance #20;
13. That the applicant ensure the VHR is operating in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed from Executive Lodging of the Black Hills, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet;
15. 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; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

10. **CONSTRUCTION PERMIT / CP 17-02**: Professional Excavation. To install new water and sewer lines from Country Road (west end) to Kyle Street (north end) across existing agriculture land.

Unplatted Balance of N1/2NW1/4NW1/4 Lying Outside Rapid City Corp Boundary, Section 24, T2N, R7E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 17-02 with the following ten (10) 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 the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
8. **That a temporary address be assigned for both of the contractor entrances to the site so that they are visible from both directions of travel on Country Road and Kyle Street respectively, in accordance with Pennington County's Ordinance #20;**
9. **That the applicant sign a Statement of Understanding, which is available at the Planning Department, within ten (10) business days of Permit approval; and,**
10. **That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

**Vote: unanimous 6 to 0.**

11. **ORDINANCE AMENDMENT / OA 16-03:** Pennington County. To amend Section 103 “Definitions”; Section 204-C “General District Provisions”, Section 205-B and C “General Agriculture District”; Section 206-B “Limited Agriculture District”; Section 207-B “Low Density Residential District”; Section 208-B “Suburban Residential District”; Section 209-B “General Commercial District”; Section 210-B “Highway Service District”; Section 211-B “Light Industrial District”; Section 212-B “Heavy Industrial District”; Section 213-D “Planned Unit Development District”; Section 312 “Signs, Billboards and Other Advertising Structures”; Section 314-C “Temporary Campgrounds and Assemblies of People”; Section 316-H-3 “Telecommunications Facility”; Section 508-B-4 “Zoning or Rezoning”; Section 509-D-3 “Variance”; Section 510-A-3 “Conditional Use Permits”; and Section 511-B “Fees” and Section 511-W-2 “Fees” of the Pennington County Zoning Ordinance.

**To recommend to continue Ordinance Amendment / OA 16-03 to the February 27, 2017, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

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

9. **CONSTRUCTION PERMIT / CP 17-01:** City of Rapid City; Banner Associates – Agent. To open cut and bore installation of PVC pipe for water main extension for the City of Rapid City, Winton Street north to Southside Drive, east to Redemption Road.

Sections 25 and 26, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor asked to have this item removed from the Consent Calendar to note that on Page 2, Proposed Recommendation, staff corrected the approval recommendation from ten (10) conditions to eleven (11) conditions.

Staff recommended approval of Construction Permit / CP 17-01 with the following eleven (11) conditions:

1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and 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 an approved Floodplain Development Permit be obtained for work done within the designed Special Flood Hazard Area prior to commencement of any disturbance;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
7. That during the period of construction, streets are not blocked and all homes are accessible by emergency vehicles;
8. That the utility crossings on Anderson Road and/or Southside Drive must be bored as agreed upon with Pennington County Highway;
9. That all signs removed must be reset in the original location in accordance with the Manual on Uniform Traffic Control Devices (MUTCD);
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.

Discussion followed.

**Moved by Marsh and seconded by Lasseter to approve of Construction Permit / CP 17-01 with the following eleven (11) conditions:**

- 1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and 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 an approved Floodplain Development Permit be obtained for work done within the designed Special Flood Hazard Area prior to commencement of any disturbance;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
7. That during the period of construction, streets are not blocked and all homes are accessible by emergency vehicles;
8. That the utility crossings on Anderson Road and/or Southside Drive must be bored as agreed upon with Pennington County Highway;
9. That all signs removed must be reset in the original location in accordance with the Manual on Uniform Traffic Control Devices (MUTCD);
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.

Commissioner Zvejnieks stated he would be abstaining from voting.

**Roll Call Vote: Litzen – aye, Marsh – aye, Hadcock – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: the Motion carried 5 to 0. Zvejnieks abstained.**

12. CONDITIONAL USE PERMIT / CU 16-44: Alicen and Nicholas Dupont. To allow a Vacation Home Rental on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lots 1 and 2 of Lots 7 and 8 (Replatted), Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for a Vacation Home Rental on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 16-44 with the following seventeen (17) 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 twelve (12) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That the applicants provide a landline within the Vacation Home Rental in case of an emergency and list the phone number on the interior informational sign within the Vacation Home Rental;
3. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
4. That a Removal Permit be obtained prior to the removal of the existing shed, or the applicant obtains a Building Permit for the shed, with all applicable fees paid;
5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
6. 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, prior to operation of the Vacation Home Rental;
7. 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;
8. 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;
9. That an interior informational sign 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 Department, during operation of the Vacation Home Rental;
10. That the lot address (23221 Black Forest Place) be posted on the residence at all times and at the driveway at the intersection of Black Forest Place and the driveway with the directional sign, and so that it is clearly visible from Black Forest Place, in accordance with Pennington County's Ordinance #20;

11. 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;
12. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
15. 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;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-44, which is available at the Planning Office; and,
17. 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.

Discussion followed.

**Moved by Lasseter and seconded by Marsh to approve of Conditional Use Permit / CU 16-44, amending Condition #4, to include an additional Condition of Approval, with the following eighteen (18) 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 twelve (12) people, per Pennington County Zoning Ordinance Section 319-F-13;**
- 2. That the applicants provide a landline within the Vacation Home Rental in case of an emergency and list the phone number on the interior informational sign within the Vacation Home Rental;**
- 3. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**

4. That within ten (10) business days of approval of Conditional Use Permit / CU 16-44, a Removal Permit be obtained prior to the removal of the existing shed, or the applicant obtains a Building Permit for the shed, with all applicable fees paid;
5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
6. 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, prior to operation of the Vacation Home Rental;
7. 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;
8. 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;
9. That an interior informational sign 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 Department, during operation of the Vacation Home Rental;
10. That the lot address (23221 Black Forest Place) be posted on the residence at all times and at the driveway at the intersection of Black Forest Place and the driveway with the directional sign, and so that it is clearly visible from Black Forest Place, in accordance with Pennington County's Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;

15. That this Conditional Use Permit automatically end, if Lots 1 and 2 of Lots 7 and 8 (Replatted), Clear Creek Placer MS 1184, are sold to separate owners; thus, losing their “Developmental Lot” status;
16. 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;
17. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-44, which is available at the Planning Office; and,
18. 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.

**Roll Call Vote: Litzen – aye, Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: the Motion carried 6 to 0.**

13. LAYOUT PLAT / PL 16-33: Granite Point, LLC; Gene Quinn – Agent. To reconfigure lot lines to create Lots 15, 16, and 17 of Granite Point Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** Lots A and B of Lot 6 and Lots A and B of Lot 7, Granite Point Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Lots 15, 16, and 17 of Granite Point Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to reconfigure lot lines to create Lots 15, 16, and 17 of Granite Point Subdivision.

Staff recommended approval of Layout Plat / PL 16-33 with the following eight (8) conditions:

1. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of new Plat submittal, the applicant submits topography at five (5) foot intervals, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. 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;

4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-33, which is available at the Planning Office; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Landers and seconded by Lasseter to approve of Layout Plat / PL 16-33 with the following eight (8) conditions:**

- 1. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of new Plat submittal, the applicant submits topography at five (5) foot intervals, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. 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;**
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the**

**Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**

- 7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-33, which is available at the Planning Office; and,**
- 8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**Roll Call Vote: Litzen – aye, Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: the Motion carried 6 to 0.**

14. CONDITIONAL USE PERMIT REVIEW / CU 15-20: Mitch Morris. To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the January 9, 2017, Planning Commission meeting.)

Conover stated this is a review of the applicant's Conditional Use Permit to allow Construction Equipment Sales on the subject property in a General Commercial District.

Staff recommended to end Conditional Use Permit / CU 15-20.

If the Planning Commission decides to either continue the review of CU 15-20 to a Planning Commission Meeting in or before June 2017 or extends CU 15-20 with a review after June 2017, staff recommends to include the following sixteen (16) Conditions:

1. That before 5:00 p.m. Mountain Standard Time, on January 23, 2017, Mr. Morris pay, in cash, the required continuation fee (per Section 511-X) as approved by the Planning Commission in Condition of Approval #2, on December 5, 2016 and again in Condition of Approval #14 from January 5, 2017 or CU 15-20 automatically be revoked;
2. That Conditional Use Permit / CU 15-20 be for Construction Equipment Sales and Construction Material Sales only and reviewed twice a year until Mr. Morris shows continued repeated compliance with all Conditions of Approval for a period of four consecutive reviews;
3. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
4. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence with fence screening be constructed around the property;



5. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
6. 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;
7. That porta-potties (1 per every 50 employees) are provided on-site;
8. That the addresses be posted in accordance with Pennington County's Ordinance #20;
9. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;
10. That there is no more than two (2) additional employees, excluding family members;
11. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
12. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;
13. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
14. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
15. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department; and,
16. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Landers and seconded by Lasseter to approve of the extension of Conditional Use Permit / CU 15-20 with sixteen (16) conditions.

Discussion further followed.

**SUBSTITUTE MOTION:** Moved by Landers and seconded by Lasseter to approve of the extension of Conditional Use Permit / CU 15-20 with the following fifteen (15) conditions.

1. That before 5:00 p.m. Mountain Time, on January 24, 2017, Mr. Morris pay, in cash, the required continuation fee (per Section 511-X) as approved by the Planning Commission in Condition of Approval #2, on December 5, 2016 and again in Condition of Approval #14 from January 5, 2017 or CU 15-20 automatically be revoked;
2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed around the Construction Equipment Storage and Sales area;
4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
5. 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;
6. That porta-potties (1 per every 50 employees) are provided on-site;
7. That the addresses be posted in accordance with Pennington County's Ordinance #20;
8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;
9. That there is no more than two (2) additional employees, excluding family members;
10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;

12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Roll Call Vote: Litzen – aye, Marsh – aye, Hadcock – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: the Motion carried 6 to 0.**

15. ORDINANCE AMENDMENT / OA 16-02: Pennington County. To amend Section 103 “Definitions”; Section 205 “General Agriculture District”; Section 206 “Limited Agriculture District”; Section 207 “Low Density Residential District”; Section 208 “Suburban Residential District”; Section 209 “General Commercial District”; Section 210 “Highway Service District”; Section 211 “Light Industrial District”; Section 212 “Heavy Industrial District”; Section 213 “Planned Unit Development District”; Section 317 “Wind Energy Systems” and Section 511 “Fees” of the Pennington County Zoning Ordinance.

(Continued from the January 9, 2017, Planning Commission meeting.)

Conover stated this Item was continued from the January 9, 2017, Planning Commission meeting.

Staff recommended to continue Ordinance Amendment / OA 16-02 to the February 13, 2017, Planning Commission meeting.

Commissioner Hadcock left the meeting at 11:34 a.m.

Discussion followed.

**Moved by Landers and seconded by Lasseter to continue Ordinance Amendment / OA 16-02 to the February 13, 2017, Planning Commission meeting.**

**Roll Call Vote: Litzen – aye, Marsh – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: the Motion carried 5 to 0.**

16. DISCUSSION AND POSSIBLE MOTION – MEETING WITH CONSULTANT FEBRUARY 3, 2017.

Conover spoke of a meeting scheduled with Matrix Design Group, LLC, on Friday, February 3, 2017, from 3:30 p.m. to 4:00 p.m. to discuss the upcoming update of the Comprehensive Plan and adjunct documents. Conover further stated that Matrix Design Group would also like to meet with a leadership representative from the Planning Commission.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 9, 2017, Planning Commission meeting.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

There were no items from staff.

20. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

21. ADJOURNMENT

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

**Roll Call Vote on Motion to Adjourn: Litzen – aye, Marsh – aye, Zvejnieks – aye, Lasseter – aye, and Landers – aye. Roll Call Vote: the Motion carried 5 to 0.**

**The meeting adjourned at 11:53 a.m.**

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Sig Zvejnieks, Chairperson