

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 13, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Rich Marsh, William McCollam, Travis Lasseter, and Lloyd LaCroix.

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

ROLL CALL

1. 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.

(From the January 23, 2017, Planning Commission meeting.)

Deputy State's Attorney, Angela Shute, appeared and reviewed the language for the Conditions of Approval of Conditional Use Permit Review / CU 15-20.

Discussion followed.

Moved by Marsh and seconded by Lasseter to approve of Conditional Use Permit Review / 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.

All voting aye, the Motion carried 5 to 0.

2. APPROVAL OF THE JANUARY 23, 2017, MINUTES
Moved by Lasseter and seconded by McCollam to approve the Minutes of the January 23, 2017, Planning Commission Meeting. Vote: unanimous 5 to 0.

3. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Marsh to approve the Agenda of the February 13, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

- Moved by Lasseter and seconded by Marsh to approve the Consent Calendar of the February 13, 2017, Planning Commission meeting with the removal of Items #7, #8, and #9, and Item #18 to be heard after Item #9. Vote: unanimous 5 to 0.**

CONSENT CALENDAR

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 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.

(Continued from the January 23, 2017, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 00-65 with the following six (6) conditions:

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

2. **That the caretaker's residence be removed from the property when Joyce Metz is no longer in need of a caretaker, and, that upon each review, an updated doctor's note shall be provided showing that Joyce Metz is still in need of care;**

3. **That the manufactured home continues to have factory installed wood, hardboard or siding with a wood appearance and factory installed, peaked, non-reflective roof;**

4. That the caretaker's residence continually utilizes the existing primary approach for the property;
5. That prior to any disturbance within the boundaries of the Special Flood Hazard Area, an approved Floodplain Development Permit be obtained; and,
6. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-15:** Kari Fruechte. To review a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 12-15 with the following fourteen (14) 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 five (5) people;
2. That a minimum of three (3) off-street parking spaces continue to be provided and each parking space shall not be less than 162 square feet, nor less than nine feet (9) by eighteen feet (18), surfaced with gravel, concrete or asphalt, and maintained in a dust free manner;
3. That the address (23105 Pactola Drive) continues to be properly posted on both the residence and at the approach so it is visible in both directions of travel along Pactola Drive, in accordance with Pennington County's Ordinance #20;
4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicant maintains all the necessary permits and/or licenses from the State pertaining to the use of the Vacation Home Rental and that copies of these licenses be provided to the Planning Department each year;

6. That the applicant continually complies with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That if an addition is constructed and/or the on-site wastewater treatment system is upgrade 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;
8. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
9. That if the person designated as the Local Contact is ever changed from Monae Johnson, 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;
10. 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;
11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 12-15, which is available at the Planning Office; and,
14. 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 5 to 0.

6. **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.

(Continued from the January 23, 2017, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 14-35 with the following six (6) conditions:

- 1. That a minimum of six (6) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet x eighteen (18) feet with gravel, concrete or asphalt, and maintained in a dust-free manner;**
- 2. That the property continue to be kept free of debris and junk vehicles;**
- 3. That the addresses of each unit continue to be posted so they are visible from School Drive in accordance with Pennington County Ordinance #20;**
- 4. That smoke alarms be installed and/or properly maintained in working order in each unit prior to occupancy;**
- 5. That a Building Permit be obtained for any structures over 144 square feet or permanently anchored to the ground on the property, which requires a site plan to be reviewed and approved by the Planning Director; and**
- 6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.**

Vote: unanimous 5 to 0.

- 10. CONSTRUCTION PERMIT / CP 16-13: Talley Construction, Inc. / John Talley. To remove material from an existing pond.**

Lot 11R, Wheel Inn #3, Section 2, T1S, R5E, BHM, Pennington County, South Dakota

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

To continue Construction Permit / CP 16-13 to the March 13, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

END OF CONSENT CALENDAR

7. CONDITIONAL USE PERMIT AMENDMENT / CU 15-01: Sheri Tonner. To allow for an existing single-wide mobile home to be used as a permanent single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

E1/2SW1/4NE1/4; E1/2W1/2SW1/4NE1/4; W1/2W1/2SE1/4 NE1/4; S1/2SE1/4 NW1/4NE1/4; SE1/4SW1/4NW1/4NE1/4; SW1/4SW1/4NE1/4 NE1/4, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

A member of the public asked to have this Item removed from the Consent Calendar for discussion.

Bolstad reviewed the Staff Report indicating the applicant has applied to amend the existing Conditional Use Permit to allow for an existing single-wide mobile home to be used as a permanent single-family residence on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit Amendment / CU 15-01 with the following ten (10) conditions:

1. That the property is kept free of junk and debris;
2. 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;
3. That the lot address (13866 Windmill Road) continue to be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County's Ordinance #20;
4. That the mobile home installed on the property continue to have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That the existing single-family residence not be used for any purpose other than cold storage, with no utilities connected;
7. That a Removal Permit be obtained for the existing single-family residence prior to demolition;
8. That if the applicant chooses to build a new single-family residence on the subject property, the applicant obtain an approved Building Permit and amendment to Conditional Use Permit / CU 15-01 prior to the start of construction;

9. That the applicant signs a Statement of Understanding at the Planning Department within ten (10) business days of approval of Conditional Use Permit Amendment / CU 15-01; and,
10. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lasseter and seconded by McCollam to approve of Conditional Use Permit Amendment / CU 15-01 with the following ten (10) conditions:

- 1. That the property is kept free of junk and debris;**
- 2. 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;**
- 3. That the lot address (13866 Windmill Road) continue to be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County's Ordinance #20;**
- 4. That the mobile home installed on the property continue to have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;**
- 5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
- 6. That the existing single-family residence not be used for any purpose other than cold storage, with no utilities connected;**
- 7. That a Removal Permit be obtained for the existing single-family residence prior to demolition;**
- 8. That if the applicant chooses to build a new single-family residence on the subject property, the applicant obtain an approved Building Permit and amendment to Conditional Use Permit / CU 15-01 prior to the start of construction;**
- 9. That the applicant signs a Statement of Understanding at the Planning Department within ten (10) business days of approval of Conditional Use Permit Amendment / CU 15-01; and,**

10. **That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

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

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

Commissioner Lasseter asked to have this Item removed from the Consent Calendar to discuss remediation for the site.

Staff recommended to end Construction Permit / CP 15-16.

Discussion followed.

Moved by Lasseter and seconded by Marsh to end Construction Permit / CP 15-16.

All voting aye, the Motion carried 5 to 0.

9. CONSTRUCTION PERMIT / CP 17-03: Mitch Morris. To grade the site in order to use it as storage area for stockpiling soil.

E1/2E1/2; Lot 1 of NW1/4NE1/4; Lot 1 of SW1/4NE1/4; Lot 1 of SW1/4SE1/4; E1/2 of Lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4 of Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar for discussion.

Molitor explained that, in the Staff Report under Request for Comment, staff would like it noted that there is no Special Flood Hazard area on the subject property, and staff will be removing this comment from the report.

Staff recommended approval of Construction Permit / CP 17-03 with the following seven (7) conditions:

1. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General

Permits for Storm Water Discharges Associated with Construction Activities be continually met;

2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
7. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by McCollam and seconded by Lasseter to approve of Construction Permit / CP 17-03 with the following seven (7) conditions:

- 1. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**

5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
7. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

All voting aye, the Motion carried 5 to 0.

18. ORDINANCE AMENDMENT / OA 16-04: Ernest Getty; Tina Mulally – Agent. To amend Section 204-J-2 “Operating Permit”; Section 204-J-3-P “Service Providers/Liquid Waste Pumpers/Requirements”; Section 204-J-3-Q-v “Following the completion of the final evaluation by Pennington County, the system will then be registered with the County and an Operating Permit issued”; and Section 204-J-4 “Exemption for Operating Permit” of the Pennington County Zoning Ordinance.

Conover reviewed the Staff Report indicating the applicant, Ernest Getty, and Agent, Tina Mulally, have applied for an Ordinance Amendment to amend Section 204-J of the Pennington County Zoning Ordinance.

Staff recommended denial of Ordinance Amendment / OA 16-04.

Tina Mulally, Agent, appeared, and asked that this Ordinance Amendment request be continued to the March 13, 2017, Planning Commission meeting.

Discussion followed.

Moved by Lasseter and seconded by Marsh to continue Ordinance Amendment / OA 16-04 to the March 13, 2017, Planning Commission meeting, per the Agent’s request.

All voting aye, the Motion carried 5 to 0.

11. CONDITIONAL USE PERMIT / CU 17-02: Western Construction, Inc. To allow for a temporary portable asphalt batch plant and stockpile site on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; E1/2NW1/4; GL1 Less Lot A and Less ROW; E1/2SW1/4; SE1/4; GL3 LESS LOT 5; GL4 Less Lot 5, Less Lots 1, 2, 3 and Less ROW, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

Doreff reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a temporary portable asphalt batch plant and stockpile site on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 17-02 with the following sixteen (16) conditions:

1. That port-o-potty toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;
2. That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
3. All access to the worksite be via the existing private approach;
4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
6. That all necessary Permits from the Department of Environmental and Natural Resources be obtained, and copies submitted within seven (7) business days of approval of this CUP;
7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition that does not impact airport operations or pose a safety hazard;
8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, berm, etc.) be installed to prevent sediment from leaving the site;
9. That prior to operation of the stockpile and portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;
10. That a new extension be submitted to the Federal Aviation Administration for their approval and once approved, a copy sent to the Rapid City Regional Airport;

11. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;
12. That no unnecessary ponding of water accumulate that could attractant flocking birds, ducks or geese;
13. Applicant must obtain a Haul Road Agreement from the Pennington County Highway Department within thirty (30) days of approval of this Conditional Use Permit.
14. That the site shall be re-vegetated as required in Section 507-A(5)(c);
15. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-02; and,
16. That this Conditional Use Permit be reviewed on February 13, 2018, or 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 Marsh and seconded by Lasseter to continue Conditional Use Permit / CU 17-02 to the February 27, 2017, Planning Commission meeting to allow the applicant and staff time to coordinate with the FAA and discuss the Plume question, and also have staff follow-up with the entities, who sent the initial comments, that have not responded to the answers yet that the applicant provided.

The applicant further asked the Planning Commission if he is able to do a mock-up of the batch plant at the site, to erect it on-site without operating it, pending approval of the Conditional Use Permit.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Marsh and seconded by Lasseter to continue Conditional Use Permit / CU 17-02 to the February 27, 2017, Planning Commission meeting to allow the applicant and staff time to coordinate with the FAA and discuss the Plume question, and also have staff follow-up with the entities, who sent the initial comments, that have not responded to the answers yet that the applicant provided; and, to allow the applicant to also do a mock-up of the proposed batch plant at the site, to erect it on-site without operating it, pending approval of the Conditional Use Permit, at their own risk.

All voting aye, the Motion carried 5 to 0.

12. CONDITIONAL USE PERMIT / CU 17-03: McDaniel Trust; Susan McDaniel. To allow a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 17-03 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Section 319-F-13 of the Pennington County Zoning Ordinance;
2. That if an addition is constructed and/or the On-Site Wastewater Treatment System is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the On-Site Wastewater Treatment System;
4. That the applicant maintains 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;
5. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of two (2) off-street parking spaces be provided on-site, per Section 310-A-9-gg of the Pennington County Zoning Ordinance, with each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. 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 the Fire Department and the Sheriff's Department, during operation of the Vacation Home Rental;

8. That the lot address (24405 Oak Meadows Road) be posted on the residence at all times and at the end of the driveway so that it is clearly visible from both directions of travel on Oak Meadows Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) of the Pennington County Zoning Ordinance at all times;
10. That if the person designated as the Local Contact is ever changed from Susan McDaniel, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within five hundred (500) feet of the outer boundaries of the Vacation Home Rental property via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That prior to the transfer of this Vacation Home Rental property to a new owner(s), Section 319-C-5 must be followed;
15. That prior to the first review of this Conditional Use Permit, the applicant provides a new survey showing the location of all structures on the subject property, and, that if any structures do not meet the setback requirements of Section 206 (Limited Agriculture), the applicant brings the subject property into compliance with the Pennington County Zoning Ordinance;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-03, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed on July 10, 2017, 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 McCollam and seconded by LaCroix to approve of Conditional Use Permit / CU 17-03 with the following seventeen (17) conditions:

- 1. That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Section 319-F-13 of the Pennington County Zoning Ordinance;**
- 2. That if an addition is constructed and/or the On-Site Wastewater Treatment System is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the On-Site Wastewater Treatment System;**
- 4. That the applicant maintains 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;**
- 5. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 6. That a minimum of two (2) off-street parking spaces be provided on-site, per Section 310-A-9-gg of the Pennington County Zoning Ordinance, with each measuring a minimum of nine (9) feet by eighteen (18)feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
- 7. 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 the Fire Department and the Sheriff's Department, during operation of the Vacation Home Rental;**
- 8. That the lot address (24405 Oak Meadows Road) be posted on the residence at all times and at the end of the driveway so that it is clearly visible from both directions of travel on Oak Meadows Road, in accordance with Pennington County's Ordinance #20;**

9. That the applicant ensures the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) of the Pennington County Zoning Ordinance at all times;
10. That if the person designated as the Local Contact is ever changed from Susan McDaniel, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within five hundred (500) feet of the outer boundaries of the Vacation Home Rental property via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That prior to the transfer of this Vacation Home Rental property to a new owner(s), Section 319-C-5 must be followed;
15. That prior to the first review of this Conditional Use Permit, the applicant provides a new survey showing the location of all structures on the subject property, and, that if any structures do not meet the setback requirements of Section 206 (Limited Agriculture), the applicant brings the subject property into compliance with the Pennington County Zoning Ordinance;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-03, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed on July 10, 2017, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

13. CONDITIONAL USE PERMIT / CU 17-01: Albert and Sarah Sutton. To allow a Recreation Resort Area on the subject property to include six seasonal cabin rentals and the existing single-family residence to be used as the manager's residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract A, Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Recreation Resort Area on the subject property to include six seasonal cabin rentals and the existing single-family residence to be used as the manager's residence in a Limited Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 17-01 with the following twenty-four (24) conditions:

1. That the uses of the Conditional Use Permit be limited to six (6) seasonal rental cabins and the existing single-family residence to be used as the manager's residence;
2. That the rental cabins be allowed to operate no more than 180 days per year between the months of April and September of each year;
3. That the address assigned to the cabins must be posted so that it is visible from the interior roadway on the subject property and posted so it is visible from both directions of travel on Campfire Drive in accordance with Pennington County's Ordinance #20;
4. That each cabin is assigned a "Unit" number and each "Unit" number must be posted on each cabin so it is visible from the interior roadway and posted inside of each cabin;
5. That the address for the main residence be posted on the residence and so that it is visible from both directions of travel on Campfire Drive in accordance with Pennington County's Ordinance #20;
6. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
7. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;
8. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;

9. That the applicant obtains all necessary permits from other governing bodies for the operating of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
10. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
11. That the property remains free of debris and junk vehicles and all structures be well-maintained;
12. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
13. That an approved Building Permit be obtained for each cabin prior to construction and for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
15. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic, and must be maintained in a dust-free manner;
16. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
18. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
19. That quiet hours for the Recreation Resort be from 10 p.m. to 8 a.m.;

20. That the applicant works with the County Fire Administrator and the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;
21. That the applicant is aware of, and adheres to all Forest Service requirements;
22. That the applicant provides a more accurate, to-scale, drawing of the proposed cabins and driveway with the setback distances and the existing drainage and proposed culverts indicated on the site plan;
23. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-01, which is available at the Planning Office; and,
24. 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.

Rausch further stated the applicant would like to amend Condition #2 to state: “That the rental cabins be allowed to operate no more than 180 days per year”;

Discussion followed.

Moved by Marsh and seconded by Lasseter to approve of Conditional Use Permit / CU 17-01 with the following twenty-four (24) conditions:

- 1. That the uses of the Conditional Use Permit be limited to six (6) seasonal rental cabins and the existing single-family residence to be used as the manager’s residence;**
- 2. That the rental cabins be allowed to operate no more than 180 days per year;**
- 3. That the address assigned to the cabins must be posted so that it is visible from the interior roadway on the subject property and posted so it is visible from both directions of travel on Campfire Drive in accordance with Pennington County’s Ordinance #20;**
- 4. That each cabin is assigned a “Unit” number and each “Unit” number must be posted on each cabin so it is visible from the interior roadway and posted inside of each cabin;**
- 5. That the address for the main residence be posted on the residence and so that it is visible from both directions of travel on Campfire Drive in accordance with Pennington County’s Ordinance #20;**

6. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
7. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;
8. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
9. That the applicant obtains all necessary permits from other governing bodies for the operating of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
10. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
11. That the property remains free of debris and junk vehicles and all structures be well-maintained;
12. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
13. That an approved Building Permit be obtained for each cabin prior to construction and for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;

15. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic, and must be maintained in a dust-free manner;
16. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
18. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
19. That quiet hours for the Recreation Resort be from 10 p.m. to 8 a.m.;
20. That the applicant works with the County Fire Administrator and the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;
21. That the applicant is aware of, and adheres to all Forest Service requirements;
22. That the applicant provides a more accurate, to-scale, drawing of the proposed cabins and driveway with the setback distances and the existing drainage and proposed culverts indicated on the site plan;
23. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-01, which is available at the Planning Office; and,
24. 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.

All voting aye, the Motion carried 5 to 0.

14. CONDITIONAL USE PERMIT / CU 16-36: Enola Gorham; Patrick Smith – Agent. To allow two (2) duplex units on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7 less Lot H1, Stekl Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

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

Bolstad asked that this Item be continued to the February 27, 2017, Planning Commission meeting to allow staff time to resend the Notice of Hearing Letters to include the correct time for the Planning Commission meeting.

Moved by LaCroix and seconded by Lasseter to continue Conditional Use Permit / CU 16-36 to the February 27, 2017, Planning Commission meeting to allow staff time to resend the Notice of Hearing Letters.

All voting aye, the Motion carried 5 to 0.

15. REZONE / RZ 17-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-01: Jimmy and Alice Dehaai. To rezone 3.49 acres from Suburban Residential District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Highway Service District in accordance with Sections 208, 210, and 508 of the Pennington County Zoning Ordinance.

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

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

Staff recommended approval of Rezone / RZ 17-01 and Comprehensive Plan Amendment / CA 17-01.

Discussion followed.

Moved by LaCroix and seconded by Marsh to move forward Rezone / RZ 17-01 and Comprehensive Plan Amendment / CA 17-01 with no recommendation from the Planning Commission.

All voting aye, the Motion carried 5 to 0.

Planning Commission recessed at 11:10 a.m.

Planning Commission reconvened at 11:16 a.m.

16. REZONE / RZ 17-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-02: Laura Pankratz; Ken Nash – Agent. To rezone 38.35 acres from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 205, 210, and 508 of the Pennington County Zoning Ordinance.

Beginning at a point N89°31'E 242.04' of the SE corner of Section 22, T1S, R6E, BHM, Pennington County South Dakota, Thence N45°57' 50"E a distance of 504.95'; Thence N42°59' 10"W a distance of 322.16; Thence N56°50'E a distance of 77.13'; Thence N68°11'E a distance of 288.42'; Thence on an arc to the right whose radius is 2141.83'; N77°10'35"E a chord distance of 666.02'; Thence S80°01'30"E a distance of 287.59'; Thence N89°35'E a distance of 333.93'; Thence S67°03'40"E a distance of 701.65'; Thence S0°01'10"E a distance of 542.78'; Thence S89°30'55"W a distance of 2388.70' to the point of beginning. Said parcel of land containing 38.35 acres more or less, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 38.35 acres from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District.

Staff recommended approval of Rezone / RZ 17-02 and Comprehensive Plan Amendment / CA 17-02.

Discussion followed.

Moved by Lasseter and seconded by McCollam to approve of Rezone / RZ 17-02 and Comprehensive Plan Amendment / CA 17-02.

All voting aye, the Motion carried 5 to 0.

17. 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 23, 2017, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the Ordinance Amendment had been continued from the January 23, 2017, Planning Commission meeting in order for staff to perform additional research.

Staff recommended approval of Ordinance Amendment / OA 16-02.

Moved by Lasseter and seconded by McCollam to continue Ordinance Amendment / OA 16-02 to the February 27, 2017, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 23, 2017, Planning Commission meeting.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

21. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for January 2017.
- B. Comprehensive Plan Update. Conover explained that representatives have met with Matrix Design Group, LLC, and further stated that other meetings will be scheduled in the future.
- C. House Bill 1075. Conover reviewed HB1075 with the Planning Commission.

22. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh spoke of timelines and reviews of Conditional Use Permits.

23. ADJOURNMENT

Moved by Lasseter and seconded by Marsh to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 11:52 a.m.

Sig Zvejnieks, Chairperson