

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 27, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE MARCH 27, 2017, MINUTES
Moved by Lasseter and seconded by McCollam to approve the Minutes of the March 27, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Lasseter to approve the Agenda of the March 27, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by McCollam and seconded by Litzen to approve the Consent Calendar of the March 27, 2017, Planning Commission meeting. 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 85-25:** Loretta Parker. To review two mobile homes, one as a principal residence and one as a caretaker's residence, in accordance with Sections 204, 206-C-21, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Hidden Springs Ranchettes, SW1/4 NW1/4, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the March 13, 2017, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 85-25 with the following seven (7) conditions:

1. That two (2) single-wide mobile homes be allowed on the property, one as a caretaker's residence and the other as a permanent single-family residence;
2. That the caretaker's residence be removed from the property when care is no longer needed for Ms. Loretta Parker, or the property be subdivided to create a separate lot for the caretaker's single-wide mobile home to stay on the subject property;
3. That upon each review, an updated doctor's note shall be provided showing that Ms. Loretta Parker is still in need of care;
4. That any increase in bedrooms for the caretaker's residence will require the applicant to work with the City of Rapid City regarding the On-Site Wastewater Treatment System;
5. That the applicant may not accumulate more than four (4) unlicensed vehicles on the property, as defined in Section 103 and in accordance with the allowed uses in Section 206 of the Pennington County Zoning Ordinance;
6. That the construction or placement of structures, including the addition of accessory structures (i.e., garages, sheds, etc.), be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
7. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-29:** Jim or Mary Scull. To review a cabin to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 13, 2017, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 15-29 with the following five (5) conditions:

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

2. That the residence continues to be occupied by a ranch hand or continues to be used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
3. That the addresses (12090 White Horse Road for the primary residence and 12095 White Horse Road for the ranch hand's residence) continue to be clearly posted on each residence, at the approach (driveway), so as to be visible from both directions of travel on White Horse Road, in accordance with Pennington County's Ordinance #20;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit; and,
5. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-02:** Eva Olson. To review a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of E1/2E1/2SW1/4NW1/4 lying S of Hwy 14-16 ROW less W 97 ft; SE1/4NW1/4 lying S of Hwy 14-16 ROW; SW1/4NE1/4 lying S of Hwy 14-16 ROW; That PT of SW1/4NE1/4 lying between I-90 and Hwy 14-16 ROW; That PT of E1/2E1/2NW1/4NW1/4 lying S of Hwy 14-16 ROW, Section 27, T2N, R10E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-02 with the following eight (8) conditions:

1. That the property address (15715 Highway 14/16) continues to be posted both on the residence and at the end of the driveway so it is visible from both directions of travel on Highway 14/16, in accordance with Pennington County's Ordinance #20;
2. That the subject property continually not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
3. That if the applicant/landowner chooses to rebuild a single-family residence on the subject property, Conditional Use Permit / CU 16-02 be amended and re-advertised to allow the single-wide mobile home to be used as temporary

living quarters while building a single-family residence and the single-wide mobile home must be removed from the property upon completion of the new single-family residence;

4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
5. That the subject property continually remains free of debris and junk vehicles;
6. That the single-wide mobile home installed on the subject property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

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

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

To approve of the extension of Conditional Use Permit / CU 16-29 with the following fourteen (14) conditions.

1. That an address be assigned and posted at the entrance to the storage yard in accordance with Ordinance #20;
2. That emergency contact information for the storage yard continue to be posted at the entrance of the storage yard;
3. That dust control measures continue to be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
4. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;

5. That erosion control measures continue to be implemented around the site to prevent sediment leaving the site;
6. That tracking control measures continue to be implemented at the entrance/exit to Reservoir Road from the storage yard;
7. That adequate space is continually provided for parking in the storage yard;
8. That if the borrow area will equal or exceed 10,000 square feet of disturbance, that a Construction Permit is obtained;
9. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;
10. That measures are taken to ensure that the Cyclone Ditch is protected from sediment entering the ditch;
11. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;
12. That if Pennington County Highway requires a Haul Road Agreement for Reservoir Road or Southside Drive, that the applicant obtain the Agreement from the County prior to use of the contractor's storage yard;
13. That applicable fees (which include penalty fees) be paid within seven (7) business days of approval of the Conditional Use Permit;
14. That this Conditional Use Permit be reviewed in September 11, 2017 on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

7. **CONSTRUCTION PERMIT REVIEW (ROAD DISTRICT) / CP 15-08:** Dan and Nancy Evangelisto (Summer Creek Road District). To review installation of a culvert and water line on the north end of Summer Creek Drive, improve portions of Siskin Loop and Carbon Loop and grade and maintain other existing roads within the District.

Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit (Road District) / CP 15-08 with the following eleven (11) conditions:

1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That any monuments establishing property boundaries be replaced as necessary;
5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
6. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
7. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
8. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;
9. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and,
10. The applicant will need to pay to renew the permit if all work is not completed by May 11, 2017,
11. That this Construction Permits will be reviewed in one (1) year and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 5 to 0.

8. **CONSTRUCTION PERMIT REVIEW (SUMMER CREEK INN) / CP 15-09:** Dan and Nancy Evangelisto (Summer Creek Inn). To review grading and leveling an area of a hillside (Lots 10, 11, 12, 13 and 15) in order to construct a building (Lots 10 and 12); to

stockpile material at other locations (Lot 27) between (Lots 34 and 35) of the property; and to level and grade an area for an overflow parking lot (Lot 45).

Lots 10, 11, 12, 13 and 15; Lot 27, Lots 34 and 35, and Lot 45 of Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit (Summer Creek Inn) / CP 15-09 with the following eleven (11) conditions:

- 1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That any monuments establishing property boundaries be replaced as necessary;**
- 5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;**
- 6. That stormwater flows do not increase from the construction activity that will impact neighboring properties;**
- 7. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);**
- 8. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;**
- 9. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and**
- 10. The applicant will need to pay to renew the permit if all work is not completed by May 11, 2017,**
- 11. That this Construction Permits will be reviewed March 30, 2018, and may be reviewed on a complaint basis, or as directed by the Planning Commission or**

the Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 5 to 0.

9. **MINOR PLAT / PL 17-04:** Granite Point, LLC / Gene Quinn. To reconfigure lot lines to create Lots 15, 16, and 17 of Granite Point Subdivision in accordance with Section 400.3 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.

To recommend approval of Minor Plat / PL 17-04 with the following seven (7) conditions:

1. **That prior to filing the Plat with the Register of Deeds, an additional Owners Certificate be added for Allen Schmidt and Tammy Schmidt, as they have an interest in Lot B of Lot 7 per Contract for Deed;**
2. **That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
3. **That upon filing the Plat with the Register of Deeds, the Plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
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; and,**
7. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-04, which is available at the Planning Office.**

Vote: unanimous 5 to 0.

10. **VACATION OF EASEMENT / VE 17-02:** Aaron Olson. To vacate a portion of the Utility and Access Easements located along the interior of Lots 12, 13, and 18 of Tract A of Sunnyside Acres Subdivision in accordance with the Pennington County Zoning Ordinance.

Lots 12, 13, and 18 of Tract A, Sunnyside Acres Subdivision, Sections 25 and 30, T2N, R4E and R5E, BHM, Pennington County, South Dakota

To recommend approval of Vacation of Easement / VE 17-02 with the following three (3) conditions:

1. **That prior to filing the Exhibit with the Register of Deeds, “Exhibit A” be corrected to show that the “Existing 34’ wide Utility Easement as indicated on Miscellaneous Document A201315349. 26’ wide strip to be vacated and 8’ wide strip to remain as Utility Easement with the recording of this document as shown hereon” also applies to Lot 18, as necessary;**
2. **That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed’s Office; and,**
3. **That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 17-02, which is available at the Planning Office.**

Vote: unanimous 5 to 0.

END OF CONSENT CALENDAR

11. **LAYOUT PLAT / PL 17-07:** Fred Whiting. To create Lot H1 and Lot H2 and Well Easement of Rushmore Ranch Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot H of Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot H1 and Lot H2 and Well Easement of Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create two lots: Lot H1 and Lot H2 and Well Easement of Rushmore Ranch Estates Subdivision.

Staff recommended approval of Layout Plat / PL 17-07 with the following eight (8) conditions:

1. That at the time of Minor 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 Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots of Rushmore Ranch Estates Subdivision to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor 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 at the time of Minor Plat submittal, the applicant address the Register of Deeds requirement to change the lot designations of Lot H1 and Lot H2;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the Certificate of Ownership should read “Fred C. Whiting, Calvin E. Johnson, Cynthia A. Johnson, Kenneth E. Shilling and Carleen E. Shilling”;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-07, 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 Litzen and seconded by Marsh to recommend approval of Layout Plat / PL 17-07 with the following eight (8) conditions:

- 1. That at the time of Minor 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 Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots of Rushmore Ranch**

Estates Subdivision to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

- 3. That at the time of Minor 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 at the time of Minor Plat submittal, the applicant address the Register of Deeds requirement to change the lot designations of Lot H1 and Lot H2;**
- 5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 6. That the Certificate of Ownership should read “Fred C. Whiting, Calvin E. Johnson, Cynthia A. Johnson, Kenneth E. Shilling and Carleen E. Shilling”;**
- 7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-07, 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.**

All voting aye, the Motion carried 5 to 0.

12. PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-01: Karen Moore. To amend the existing Planned Unit Developments to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

Parcel A, B, and C, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to amend the existing Planned Unit Developments to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites.

Staff recommended approval of Planned Unit Development Amendment / PU 17-01 with forty-three (43) conditions:

1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;
2. That the number of guests be limited to 25 people;
3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
4. That prior to operation of the Specialty / Recreational Resort, the applicant submits a Parking Plan to the Planning Department for review to ensure its compliance with the Minimum Off-Street Parking requirements as outlined in Section 310 of the Pennington County Zoning Ordinance;
5. That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;
6. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
7. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
8. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the existing means of wastewater disposal servicing the residence prior to operation of the Bed and Breakfast;
10. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
11. That Parcel B include a new request for five (5) RV sites;
12. That a minimum 10 foot separation be maintained at all times between each RV site;
13. That each RV site has a lot number clearly posted;

14. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
16. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
17. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1) bathhouse and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;
18. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
19. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
20. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
21. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
22. That, for Parcel C, the private well located on the property serve as the water source to the property;
23. 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;

24. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
25. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
26. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
27. That no future drainfield be located within the areas designated as floodway;
28. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
29. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;
30. That the address assigned to each property be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
31. That the physical address for the residence be posted in each guest room utilized for the Guest House / Bed and Breakfast;
32. That a guest list is maintained and smoke detectors placed in each sleeping room;
33. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
34. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
35. Quiet hours shall be from 10 p.m. until 7 a.m.;
36. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits,

fireworks, fireplace or the burning of any flammable material. All authorized open fires shall be extinguished by 10 p.m.;

37. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;
38. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
39. That the subject property remains free of debris and junk vehicles;
40. That all single-family residences must meet the standards for stick-built as outlined in Section 204;
41. That a Building Permit is obtained for the 14' x 30' (approximate) shed;
42. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-01, which is available at the Planning Office; and,
43. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Marsh and seconded by Lasseter to recommend approval of Planned Unit Development Amendment / PU 17-01 with the following forty-three (43) conditions:

- 1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;**
- 2. That the number of guests be limited to 25 people;**
- 3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;**
- 4. That prior to operation of the Specialty / Recreational Resort, the applicant submits a Parking Plan to the Planning Department for review to ensure its compliance with the Minimum Off-Street Parking requirements as outlined in Section 310 of the Pennington County Zoning Ordinance;**
- 5. That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;**

6. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
7. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
8. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the existing means of wastewater disposal servicing the residence prior to operation of the Bed and Breakfast;
10. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
11. That Parcel B include a new request for five (5) RV sites;
12. That a minimum 10 foot separation be maintained at all times between each RV site;
13. That each RV site has a lot number clearly posted;
14. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
16. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
17. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1) bathhouse and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;

18. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
19. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
20. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
21. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
22. That, for Parcel C, the private well located on the property serve as the water source to the property;
23. 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;
24. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
25. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
26. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
27. That no future drainfield be located within the areas designated as floodway;

28. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
29. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;
30. That the address assigned to each property be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
31. That the physical address for the residence be posted in each guest room utilized for the Guest House / Bed and Breakfast;
32. That a guest list is maintained and smoke detectors placed in each sleeping room;
33. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
34. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
35. Quiet hours shall be from 10 p.m. until 7 a.m.;
36. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace or the burning of any flammable material. All authorized open fires shall be extinguished by 10 p.m.;
37. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;
38. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
39. That the subject property remains free of debris and junk vehicles;
40. That all single-family residences must meet the standards for stick-built as outlined in Section 204;

- 41. That a Building Permit is obtained for the 14' x 30' (approximate) shed;
- 42. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-01, which is available at the Planning Office; and,
- 43. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

- 13. ORDINANCE AMENDMENT / OA 17-01: Pennington County. To amend to Section 316-F-5-c-7 “Telecommunications Facility” of the Pennington County Zoning Ordinance.

Conover reviewed the Staff Report indicating staff has applied for an Ordinance Amendment to amend language in Section 316-F-5-c-7 “Telecommunications Facility.”

Staff recommended approval of Ordinance Amendment / OA 17-01.

Moved by Litzen and seconded by McCollam to approve of Ordinance Amendment / OA 17-01.

All voting aye, the Motion carried 5 to 0.

- 14. MINOR PLAT / PL 17-05 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-04: Cindy Dickmeyer (Robins Roost Cabins, LLC). To create Lot 1R and Lot 3 of Boyum Subdivision and to waive platting requirements in accordance with Section 400.3 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 3 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to create Lot 1R and Lot 3 of Boyum Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 17-04 to waive submittal of the following: the requirement to provide engineered road construction plans for road improvements, including width and surface requirements; and, to waive submittal of percolation tests and profile hole information; and approval of Minor Plat / PL 17-05 with the following nine (9) conditions:

1. That prior to the plat being recorded at the Register of Deeds, the applicant meet with the Planning Director and bring the proposed completed plat for review. If further changes are necessary at this time, the Final Plat process may be necessary;
2. The prior to the plat being recorded at the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines;
3. The prior to the plat being recorded at the Register of Deeds, the plat continue to meet 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. The prior to the plat being recorded at the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. The prior to the plat being recorded at the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the Plat heading read "Lots 1R and 3 of Boyum Subdivision (formerly Lot 1 of Boyum Subdivision) all located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota" as stated by the Register of Deeds;
7. That the address for Lot 1R be changed before the Plat is filed with the Register of Deeds;
8. That within six (6) months of the Plat being recorded with the Register of Deeds, the applicant applies for a Planned Unit Development Amendment to reflect the changes resulting from the subdivision of the lot;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-05; the SOU will be available at the Planning Office.

Discussion followed.

Moved by Marsh and seconded by Lasseter to approve of Subdivision Regulations Variance / SV 17-04 to waive submittal of the following: the requirement to provide engineered road construction plans for road improvements, including width and surface requirements; and, to waive submittal of percolation tests and profile hole information.

All voting aye, the Motion carried 5 to 0.

Moved by Marsh and seconded by Lasseter to approve of Minor Plat / PL 17-05 with the following nine (9) conditions:

1. That prior to the plat being recorded at the Register of Deeds, the applicant meet with the Planning Director and bring the proposed completed plat for review. If further changes are necessary at this time, the Final Plat process may be necessary;
2. The prior to the plat being recorded at the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines;
3. The prior to the plat being recorded at the Register of Deeds, the plat continue to meet 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 The prior to the plat being recorded at the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. The prior to the plat being recorded at the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the Plat heading read "Lots 1R and 3 of Boyum Subdivision (formerly Lot 1 of Boyum Subdivision) all located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota" as stated by the Register of Deeds;
7. That the address for Lot 1R be changed before the Plat is filed with the Register of Deeds;
8. That within six (6) months of the Plat being recorded with the Register of Deeds, the applicant applies for a Planned Unit Development Amendment to reflect the changes resulting from the subdivision of the lot;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-05; the SOU will be available at the Planning Office.

All voting aye, the Motion carried 5 to 0.

15. MINOR PLAT / PL 17-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-05: Kelly Development / Ryan Kelly. To create Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision and to waive platting requirements in accordance with Section 400.3 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B less Sheridan Lake Highlands less ROW, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat and Subdivision Regulations Variance to create Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 17-05 to waive submittal of the following: percolation tests and soil profile information for proposed Lots 3 through 6, Sheridan Lake Highlands Subdivision; and, approval of Minor Plat / PL 17-06 with the following nine (9) conditions:

1. That all the Conditions of Approval from Planned Unit Development / PU 06-09 be followed;
2. That prior to the Plat being recorded with the Register of Deeds, a Major Planned Unit Development Amendment, to address the applicant's changes for PU 06-09, must be approved by the Board of Commissioners;
3. That prior to the Plat being recorded with the Register of Deeds, the applicant provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;
5. That prior to this Minor Plat being recorded with the Register of Deeds for the proposed lots, the applicant provide water supply information for all the proposed lots (Lots 3-6). If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact on the water supply for the existing platted lots within this development;
6. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the plat meets all applicable requirements of the Pennington County

Subdivision Regulations or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;

7. The prior to the Plat being recorded with the Register of Deeds, the “C:/” file location information, on the bottom right corner of the proposed plat, be removed;
8. The prior to the Plat being recorded with the Register of Deeds, the existing Septic Note, be replaced with the following note: All onsite wastewater treatment systems on the subject lots shall consist of, at a minimum, an advanced treatment unit or mound system and be approved by the South Dakota Department of Environment and Natural Resources and Pennington County. All onsite wastewater treatment systems are subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed system meets all State, County and local regulations”; and,
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-06; the SOU will be available at the Planning Office.

Discussion followed.

Moved by Lasseter and seconded by McCollam to continue Subdivision Regulations Variance / SV 17-05 and Minor Plat / PL 17-06 to the April 10, 2017, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 13, 2017, Planning Commission meeting.

1. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 17-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-03: Tyler Schad; Renner Associates – Agent. To rezone 59.475 acres from General Agriculture District to Heavy Industrial District and to rezone 10.010 acres from General Agriculture District to Limited Agriculture District. This Item was continued to the April 4, 2017, Board of Commissioner’s meeting, per the Applicant’s request.

17. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

A. FEMA Training / Certification. Conover spoke of the FEMA Training / Certification that was recently held.

19. ITEMS FROM THE MEMBERSHIP

Chairman Zvejnieks stated he will not be at the April 10th Planning Commission meeting.

20. ADJOURNMENT

Moved by Litzen and seconded by Marsh to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 11:18 a.m.

Sig Zvejnieks, Chairperson