

**MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
May 8, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Cassie Bolstad, Michael Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE APRIL 24, 2017, MINUTES  
**Moved by Landers and seconded by Lasseter to approve the Minutes of the April 24, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Lasseter and seconded by Marsh to approve the Agenda of the April 24, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.**

**Moved by Lasseter and seconded by Landers to approve the Consent Calendar of the April 24, 2017, Planning Commission meeting, with the removal of Items #4, #6, #7, #8, and #11. 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 96-14:** Mark Hirsch. To review a manufactured home as a caretaker's residence in a Suburban Residential District in accordance with Sections 208-C and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Tract 2 of NW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 96-14 to the June 12, 2017, Planning Commission meeting.**

**Vote: unanimous 5 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-38:** Mark or Ann Haubrich. To review living in an existing double-wide mobile home while building a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

NE1/4SE1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 15-38, as it is no longer needed.**

**Vote: unanimous 5 to 0.**

9. **CONDITIONAL USE PERMIT / CU 17-12:** Debra Pimentel; VACO Vacation Rentals, LLC - Agent. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 13A less Lot H1, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-12 with the following seventeen (17) conditions:**

1. **That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance Section 319-F-13;**
2. **That 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 applicants maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;**
5. **That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
6. **That a minimum of three (3) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**

7. That an interior informational sign 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;
8. That the lot address (13685 W. Battle Creek Road) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on West Battle Creek Road, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Carson or Bailee Goodwin, 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;
11. That the proper permits be obtained prior to utilizing the fire pit on the property and all fire restrictions be followed at all times;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
14. 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;
15. That the property owner verify which onsite wastewater treatment system is connected to the single-family residence, and if the system installed in 2006 is being utilized that an Operating Permit be obtained with 30 days of approval of this Conditional Use Permit;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-12, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed on June 26, 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.

**Vote: unanimous 5 to 0.**

10. **CONDITIONAL USE PERMIT / CU 17-13:** Diana Bryant. To live in an existing residence, single-wide mobile home, while building a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 5 and 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-13 with the following nine (9) conditions:**

1. **That an approved Building Permit be obtained for the new single-family residence, prior to any construction work being done;**
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 address (3115 Pioneer Drive) be clearly posted on the existing single-wide mobile home, on the new residence once complete and at the end of the driveway, so as to be visible from both directions of Pioneer Drive, in accordance with Pennington County's Ordinance #20;**
4. **That upon completion of the new single-family residence, the single-wide mobile home is removed from the property or placed on a lot separate from the single-family residence;**
5. **That a no-fee Removal Permit be obtained prior to removing the single-wide mobile home from the subject property;**
6. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
7. **That an approved Construction Permit be obtained for any disturbance greater than 10,000 square feet not associated with a Building Permit;**
8. **That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-13, which is available at the Planning Office; and,**
9. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 5 to 0.**

12. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-03:** Chris Hamm; KTM Design Solutions, Inc. To amend the existing Planned Unit Development Zoning Districts to allow for additional storage units; to allow the single-family residence to be used as a caretaker's residence; and to allow future commercial uses and to allow a car wash facility in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 2 of SE1/4SE1/4 Less Red Rock Estates and Less ROW; E1/2NE1/4SE1/4 Less Lot H1, Less ROW and Less that PT lying within Rapid City Boundaries; and That PT of W1/2NE1/4SE1/4 S of Portrush Road Less Red Rock Estates Less ROW, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

**To recommend to continue Major Planned Unit Development Amendment / PU 17-03 to the May 22, 2017, Planning Commission meeting.**

**Vote: unanimous 5 to 0.**

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 13-09:** Beverly Sears. To review an accessory structure prior to a principal structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 22-23, Block 8, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar for discussion. Staff had originally recommended approval of the extension of Conditional Use Permit / CU 13-09 with five conditions, but is now recommending this item be continued to the May 22, 2017, Planning Commission meeting, as staff received a complaint regarding the use of the structure on the subject property.

Discussion followed.

**Moved by Landers and seconded by Hadcock to continue to the review of Conditional Use Permit / CU 13-09 to the May 22, 2017, Planning Commission meeting.**

**All voting aye, the Motion carried 5 to 0.**

7. **CONDITIONAL USE PERMIT / CU 17-10:** Maurice and Sonja Crowley; VACO Vacation Rentals, LLC - Agent. To allow for a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Copper Oaks #2 Subdivision, Section 7, 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 applicants have applied for a Conditional Use Permit to allow a Vacation Home Rental on the subject property in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 17-10 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 twelve (12) people, per Pennington County Zoning Ordinance Section 319-F-13;
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 applicants maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of four (4) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign 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;

8. That the lot address (13657 Silver Fox Spur) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Silver Fox Spur, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Bailee Goodwin or Carson Goodwin, 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;
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 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;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-10, which is available at the Planning Office; and,
14. 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.

Commissioner Litzen appeared at the meeting at 9:16 a.m.

Discussion followed.

Moved by Lasseter and seconded by Landers to continue Conditional Use Permit / CU 17-10 in order for staff to perform additional research to clarify the dates when the applicants/property owner previously rented their property as a Vacation Home Rental, in order to determine if they were in violation of the Zoning Ordinance, and to pay the doubled Application Fee and Penalty Fee prior to use of the property as a Vacation Home Rental, if they were in violation.

**SUBSTITUTE MOTION:** Moved by Hadcock and seconded by Litzen to include an additional condition: "That if the single-family residence was previously operated as a Vacation Home Rental without approval of a Conditional Use Permit, the applicant/property owner shall pay the doubled Application Fee and Penalty Fee, prior to use of the single-family residence as a Vacation Home Rental."

Roll call vote on Substitute Motion: Marsh, Hadcock, Litzen voted yes. Zvejnieks, Lasseter, and Landers voted No. Substitute Motion failed.

**Vote on Original Motion: Marsh, Zvejnieks, Lasseter, and Landers voted yes. Hadcock and Litzen voted no. Original Motion to continue carried 4 to 2.**

8. CONDITIONAL USE PERMIT / CU 17-11: Gerard and Michele Mlinar; VACO Vacation Rentals, LLC - Agent. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2A, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Bolstad asked to have this Item removed from the Consent Calendar for discussion. Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Vacation Home Rental on the subject property in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 17-11 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319-F-13;
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 applicants maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of three (3) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;



7. That an interior informational sign 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;
8. That the lot address (13704 Highway 40) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 40, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Bailee Goodwin or Carson Goodwin, 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;
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 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;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-11, which is available at the Planning Office; and,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Hadcock and seconded by Lasseter to continue Conditional Use Permit / CU 17-11 to the May 22, 2017, Planning Commission meeting.**

**All voting, the Motion carried 4 to 1.**

11. CONSTRUCTION PERMIT / CU 17-06: City of Rapid City; Banner Associates – Agent. To install 6-inch, 8-inch and 12-inch water main to provide Rapid City potable water to the Valley View Estates Subdivision in accordance with Section 507 of the Pennington County Zoning Ordinance.

Tact B of E1/2SE1/4SW1/4, Section 29, T1S, R5E, BHM, Pennington County, South Dakota.

Chairman Zvejnieks asked to remove this Item from the Consent Calendar to note that he would be abstaining from voting on this Item.

Staff recommended approval of Construction Permit / CU 17-06 with the following seven (7) conditions:

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

**Moved by Marsh and seconded by Litzen to approve of Construction Permit / CU 17-06 with the following seven (7) conditions:**

- 1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**

3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That 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) business 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, the Motion carried 5 to 0. Commissioner Zvejnieks abstained.**

13. CONDITIONAL USE PERMIT / CU 17-08: Jeremiah and Angela Thomas. To operate a part-time sawmilling business on the subject property in a Low Density Residential District in accordance with Sections 204, 207, and 510 of the Pennington County Zoning Ordinance.

Tract 5, Leisure Hills Estates, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

(Continued from the April 24, 2017, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating this item was continued from the April 24, 2017, Planning Commission meeting in order for the request to be re-advertised, and further reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to operate a part-time sawmilling business on the subject property in a Low Density Residential District.

Staff recommended denial of Conditional Use Permit / CU 17-08, as the request appears to fall outside of the intended uses of a Low Density Residential District.

If the Planning Commission approves Conditional Use Permit / CU 17-08, staff recommended the following twelve (12) conditions be included:

1. That Conditional Use Permit / CU 17-08 allow for one (1) portable sawmill to be used on the subject property;

2. That materials for the sawmilling business be stored within an enclosed structure when not in use;
3. That the sawmill may be operated daily, but only during the hours of 7 a.m. to 7 p.m.;
4. That two (2) portable fire extinguishers, each with a minimum 2 A-BC rating, be placed within the structure that houses the sawmill;
5. That approved Building Permits be obtained for the existing structures on the property (16' x 12' greenhouse and addition to the 24' x 38' wood shed), with all applicable fees paid, within 30 days of approval of Conditional Use Permit / CU 17-08;
6. That any saw dust produced by the sawmilling business be cleaned up daily, stored so as not to blow onto neighboring properties, and disposed of or burned as weather conditions permit;
7. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
8. That the applicant ensures the residential character of the property is maintained;
9. That the property remain free of debris and junk, in accordance with Pennington County Ordinance #106;
10. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
11. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-08, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Move by Litzen and seconded by Marsh to approve of Conditional Use Permit / CU 17-08; to amend the hours of operation in Condition #3 to be 9 a.m. to 5 p.m.; and to delete Condition #5, and approve with eleven (11) conditions.

Discussion further followed.

**SUBSTITUTE MOTION: Moved by Hadcock and seconded by Landers to deny without prejudice Conditional Use Permit / CU 17-08.**

**All voting, the Motion carried 4 to 2. Commissioners Marsh, Hadcock, Zvejnieks, and Landers voted yes. Commissioners Litzen and Lasseter voted no.**

A member of the public asked to comment on Item #6 and further asked that it be removed from the Consent Calendar for discussion.

Moved by Litzen and seconded by Landers to reconsider Item #6 and hear it after Item #14.

Discussion followed.

**Substitute Motion: Moved by Landers and seconded by Lasseter to reconsider Item #6 and hear it after Item #14.**

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

14. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-02: Cindy Dickmeyer (Robins Roost Cabins, LLC). To amend the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

Bolstad reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to amend the existing Robins Roost Cabins Planned Unit Development.

Staff recommended approval of Major Planned Unit Development Amendment / PU 17-02 with the following thirteen (13) conditions:

1. That prior to the approval of PU 17-02 by the Board of Commissioners, the Minor Plat to create Lot 1R and Lot 3 of Boyum Subdivision be properly recorded with the Register of Deeds or PU 17-02 be continued and Section 511-X of the Pennington County Zoning Ordinance will apply;
2. That Lot 1R include the existing permitted uses: seven (7) seasonal rental cabins; one (1) combination office/three (3) bedroom rental unit and accessory structures directly supporting the operation of the approved use, in accordance with the Pennington County Zoning Ordinance;
3. That Lot 3 include existing permitted uses: one (1) four-unit seasonal rental structure and accessory structures directly supporting the operation of the approved use, in accordance with the Pennington County Zoning Ordinance;

4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That the required setbacks for any structure be a minimum of twenty-five (25) from the front property lines and a minimum of ten (10) feet from the side and rear property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;
6. That the existing structures be allowed to remain in their current locations, but any future additions to or replacement of these structures will require compliance with the setbacks stipulated in Condition #5;
7. That guest lists are maintained and smoke detectors are placed, at a minimum, in every sleeping room and on each level of residential structures;
8. That each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
9. That at least one (1) 2-ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure;
10. That prior to the approval of any future permits, the landowners of Lot 1R and Lot 3 of Boyum Subdivision or their designee meet with the County Fire Administrator and Planning Director to discuss Fire Safety, Mitigation Plans, Emergency Vehicle ingress and egress and any amendments to PU 17-02;
11. That the applicant signs a Statement of Understanding (SOU) within ten (10) business days of approval of PU 17-02; the SOU will be available at the Planning Office;
12. Upon sale or transfer of the subject property, the applicant provide a copy of the signed SOU for PU 17-02 to the new landowner(s) or inform them that a copy is available at the Planning Office;
13. That this Planned Unit Development, be reviewed no later than February 2018, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditionals of Approval are being met.

Discussion followed.

**Moved by Landers and seconded by Marsh to approve of Major Planned Unit Development Amendment / PU 17-02 with the following thirteen (13) conditions:**

1. That prior to the approval of PU 17-02 by the Board of Commissioners, the Minor Plat to create Lot 1R and Lot 3 of Boyum Subdivision be properly recorded with the Register of Deeds or PU 17-02 be continued and Section 511-X of the Pennington County Zoning Ordinance will apply;
2. That Lot 1R include the existing permitted uses: seven (7) seasonal rental cabins; one (1) combination office/three (3) bedroom rental unit and accessory structures directly supporting the operation of the approved use, in accordance with the Pennington County Zoning Ordinance;
3. That Lot 3 include existing permitted uses: one (1) four-unit seasonal rental structure and accessory structures directly supporting the operation of the approved use, in accordance with the Pennington County Zoning Ordinance;
4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That the required setbacks for any structure be a minimum of twenty-five (25) from the front property lines and a minimum of ten (10) feet from the side and rear property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;
6. That the existing structures be allowed to remain in their current locations, but any future additions to or replacement of these structures will require compliance with the setbacks stipulated in Condition #5;
7. That guest lists are maintained and smoke detectors are placed, at a minimum, in every sleeping room and on each level of residential structures;
8. That each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
9. That at least one (1) 2-ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure;
10. That prior to the approval of any future permits, the landowners of Lot 1R and Lot 3 of Boyum Subdivision or their designee meet with the County Fire Administrator and Planning Director to discuss Fire Safety, Mitigation Plans, Emergency Vehicle ingress and egress and any amendments to PU 17-02;
11. That the applicant signs a Statement of Understanding (SOU) within ten (10) business days of approval of PU 17-02; the SOU will be available at the Planning Office;

12. **Upon sale or transfer of the subject property, the applicant provide a copy of the signed SOU for PU 17-02 to the new landowner(s) or inform them that a copy is available at the Planning Office;**
13. **That this Planned Unit Development, be reviewed no later than February 2018, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditionals of Approval are being met.**

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

6. RECONSIDERATION OF CONDITIONAL USE PERMIT / CU 17-09: Wesley and Carrie Mentele. To allow a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Melchert Ranch Subdivision, Section 15, T2N, R3E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Vacation Home Rental on the subject property in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 17-09 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to seven (7) people and the maximum daytime occupancy be limited to fourteen (14) people, per Pennington County Zoning Ordinance Section 319-F-13;
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 applicants maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;



6. That a minimum of four (4) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign 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;
8. That the lot address (11524 Melchert Place) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Melchert Place, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Glenda Robertson, 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;
11. That the proper permits be obtained prior to utilizing the fire pit on the property and all fire restrictions be followed at all times;
12. 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;
13. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-09, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Landers and seconded by Lasseter to approve of Conditional Use Permit / CU 17-09 with the following seventeen (17) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to seven (7) people and the maximum daytime occupancy be limited to fourteen (14) people, per Pennington County Zoning Ordinance Section 319-F-13;**
- 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 applicants maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;**
- 5. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 6. That a minimum of four (4) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
- 7. That an interior informational sign 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;**
- 8. That the lot address (11524 Melchert Place) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Melchert Place, in accordance with Pennington County's Ordinance #20;**
- 9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;**

10. That if the person designated as the Local Contact is ever changed from Glenda Robertson, 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;
11. That the proper permits be obtained prior to utilizing the fire pit on the property and all fire restrictions be followed at all times;
12. 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;
13. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-09, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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

Commissioner Hadcock left the meeting at 11:41 a.m.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 24, 2017, Planning Commission meeting, with the exception of:

1. PLANNED UNIT DEVELOPMENT REVIEW / PU 09-02: Salvation Army. To review the Salvation Army Camp Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

Planning Commission recommend approval of the extension of Planned Unit Development / PU 09-02 with twenty (20) conditions.

The Board of Commissioners made a Motion to continue this Item.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. Building Permit Report. Bolstad reviewed the Building Permit Report for April 2017.
- B. Update - Comprehensive Plan Meeting Workshops – June 20<sup>th</sup> though June 22<sup>nd</sup> . Bolstad stated there are scheduled Workshop meetings for updating the Comprehensive Plan on Tuesday, June 20<sup>th</sup> in Keystone at 6 p.m.; Wednesday, June 21<sup>st</sup> in Wall at 6 p.m.; and Thursday, June 22<sup>nd</sup> at the Black Hills State University Center in Rapid City at 6 p.m.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Landers complimented Deputy State’s Attorney, Michaele Hoffmann, for her work at the meeting.

Commissioner Marsh stated he may not be attendance at the May 22<sup>nd</sup> meeting.

Commissioner Litzen will attend the June 12<sup>th</sup> meeting by Skype.

Commissioners Lasseter and Landers may not be in attendance at the June 12<sup>th</sup> meeting.

19. ADJOURNMENT

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

**All voting aye, the Motion carried 5 to 0.**

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

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Sig Zvejnieks, Chairperson