

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**May 22, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE MAY 8, 2017, MINUTES  
**Moved by Lasseter and seconded by Marsh to approve the Minutes of the May 8, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by McCollam and seconded by Lasseter to approve the Agenda of the May 22, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Landers and seconded by Lasseter to approve the Consent Calendar of the May 22, 2017, Planning Commission meeting, with the removal of Items #9, #10, and #17, with Item #17 to be heard first. Vote: unanimous 7 to 0.**

**CONSENT CALENDAR**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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.

(Continued from the May 8, 2017, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 13-09 to the June 26, 2017, Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-11:** Neil and Terry Foust. To review the use of an existing residence, as a temporary residence, while building a new single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1R (also in Section 7), Block 3, Paha Sapa High Country Tract 2, Section 18, T2N, R6E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 15-11 to the June 12, 2017, Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-37:** Wade and Shari Greseth. To review a Recreational Vehicle to be used as temporary living quarters, while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

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

**To approve of the extension of Conditional Use Permit / CU 16-37 with the following twelve (12) conditions:**

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;**
2. **That the address for the residence (23995 Towering Pines Lane) continue to be posted at the driveway so that it is visible from both directions of travel on Towering Pines Lane in accordance with Pennington County's Ordinance #20;**
3. **That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the On-Site Wastewater Treatment System (OSWTS) as soon as it is installed until the single-family residence is habitable;**
4. **That the On-Site Wastewater Treatment System (OSWTS) be installed and inspected within six (6) months of approval of this extension;**
5. **That the applicant submits pump receipts for the pumping of the holding tanks in the Recreational Vehicle (RV) once a month until the OSWTS is installed and operational;**
6. **That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or a Setback Variance be obtained;**

7. That the subject property remains free of debris and junk vehicles;
8. 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;
9. That upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) may only be allowed to be stored on the property, must be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
10. That the applicant notifies the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
11. That the applicant adheres to the Forest Service comments at all times; and,
12. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

6. **CONSTRUCTION PERMIT REVIEW / CP 98-21:** Dakota Stone Company. To review the continued use of and expand the Crook Creek Quarry in accordance with Section 507 of the Pennington County Zoning Ordinance.

SE1/4SW1/4 of Section 13 and the NE1/4NW1/4 and the NW1/4NE1/4 of Section 24, all located in T2S, R3E, BHM, Pennington County, South Dakota.

**To approve of the extension of Construction Permit / CP 98-21 with the following four (4) conditions:**

1. That the applicant submits to the Planning Department all updates and changes of the South Dakota Department of Environment and Natural Resources Minerals and Mining License prior to expanding the mining operation;
2. That the applicant re-claim the disturbed areas by replacing the topsoil and re-vegetating once the mining is completed; and,
3. That this Construction Permit be reviewed in two (2) years to monitor the impacts of the use in the surrounding land uses or as requested by the Planning Commission or Board of Commissioners or on a complaint basis;
4. That the applicant sign a Statement of Understanding within ten (10) days of Permit extension approval.

**Vote: unanimous 7 to 0.**

7. **CONSTRUCTION PERMIT REVIEW / CP 16-03:** West River Electric Association.  
To review grading the site for construction of a new electrical substation.

Lot 1 of SE1/4SE1/4, Section 25, T2N, R8E, BHM, Pennington County, South Dakota

**To end Construction Permit / CP 16-03 with the applicant's concurrence.**

**Vote: unanimous 7 to 0.**

8. **CONDITIONAL USE PERMIT AMENDMENT / CU 10-37:** Kolin and Michele Sperle. To amend an existing Conditional Use Permit to allow an existing caboose located on the subject property to be used as a seasonal cabin in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

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

**To approve of Conditional Use Permit Amendment / CU 10-37 with the following ten (10) conditions:**

1. **That the lot address (12794 Wolframite Road) continues to be properly posted on the caboose and at the driveway so it is clearly visible from both directions of travel on Wolframite Road, in accordance with Pennington County's Ordinance #20;**
2. **That the seasonal cabin (caboose) may not be used more than 180 days per calendar year;**
3. **That an Operating Permit be obtained for the on-site wastewater treatment system located on the subject property within ninety (90) days of approval of Conditional Use Permit Amendment / CU 10-37;**
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 all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval;**
6. **That the caboose continue to be used for personal use only. No commercial activity shall be permitted;**
7. **That the property continue to remain free of debris and junk vehicles;**

8. That the comments provided by the U.S. Forest Service be adhered to at all times;
9. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit Amendment / CU 10-37, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

11. **CONDITIONAL USE PERMIT / CU 17-14:** David and Laura Jones. To allow a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-14 with the following ten (10) conditions:**

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
2. That the address for the property (13630 Twisted Oak Trail) be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from Twisted Oak Trail, in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;

6. 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;
7. That upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
9. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-14, which is available at the Planning Office; and,
10. That this Conditional Use Permit 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.

**Vote: unanimous 7 to 0.**

12. **CONDITIONAL USE PERMIT / CU 17-15:** Jay and Luann Van Hunnik. To allow for a Bed and Breakfast in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot A of Panelized Placer Mining Claim in SE1/4NW1/4, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-15 with the following nineteen (19) conditions:**

1. That prior to the operation of the Bed and Breakfast, the applicant provide the Planning Director with a copy of the approval letter from the South Dakota Department of Environment and Natural Resources showing the maximum number of allowable overnight guests;
2. That until the first review of CU 17-15, the maximum number of allowable overnight guests be determined by SD DENR approval letter;
3. That a minimum of six (6) off-street parking spaces be provided and that each parking space shall not be less than 162 square feet, nor less than 9 feet by 18 feet; surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
4. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;

5. That the applicants maintain current licenses with the South Dakota Department of Health (Lodging 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 Bed and Breakfast;
6. That the applicants meet with the Pennington County Fire Coordinator to develop an Evacuation (Emergency) Plan (EP). Further, the applicants shall maintain the approved (EP) 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;
7. 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;
8. That the applicants ensure the residential character of the property is maintained;
9. That the Bed and Breakfast be conducted by members of the family residing on the premises and no more than one (1) additional person;
10. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
11. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Nellie Lane in accordance with Pennington County's Ordinance #20;
12. That the applicants comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
13. That prior to operation, the Bed and Breakfast be registered with the South Dakota Department of Health;
14. That the applicants obtain a Sales Tax License as required by the South Dakota Department of Revenue;
15. That smoke detectors be placed in each sleeping room with a minimum of at least one (1) smoke detector per floor;
16. That a minimum of one (1), 2 A-BC dry chemical fire extinguisher be accessible to all guests at all times on each floor of the structure;
17. That the physical address for the residence be posted in each guest room;

18. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Conditional Use Permit / CU 17-15. The SOU is available at the Planning Office; and,
19. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

13. **CONDITIONAL USE PERMIT / CU 17-16:** School House, LLC / Larry Teuber. 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 1R, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-16 with the following sixteen (16) 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 and/or alterations 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 one (1) off-street parking space 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 (9627 Clarkson 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 Clarkson 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 Larry Teuber, 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 Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
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 applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-16, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

14. **CONDITIONAL USE PERMIT / CU 17-17**: SC Meridian, LLC / Larry Teuber. 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 A, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-17 with the following sixteen (16) 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 two (2) 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 (9699 Clarkson 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 Clarkson 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 Larry Teuber, 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 Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
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 applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-17, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

15. **CONDITIONAL USE PERMIT / CU 17-18:** SC Meridian, LLC / Larry Teuber. 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 1R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-18 with the following fifteen (15) 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 two (2) 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 (9670 Clarkson 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 Clarkson 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 Larry Teuber, 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 Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-18, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

16. **CONDITIONAL USE PERMIT / CU 17-19:** SC Meridian, LLC / Larry Teuber. 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 6R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota

**To approve of Conditional Use Permit / CU 17-19 with the following fifteen (15) 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 two (2) 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 (9645 Cougar Court) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson 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 Larry Teuber, 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 Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-19, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

- 18. LAYOUT PLAT / PL 17-08:** Dean and Patricia Farr. To combine two lots in order to create Lot 6C, Block D, Edelweiss Mountain Development Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 and Lot 6 (also in Section 20), Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 6C (also in Section 20), Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Layout Plat / PL 17-08 with the following eleven (11) conditions:**

- 1. That at the time of Minor Plat submittal, the mylar Plat be prepared by a Registered and/or Licensed Professional Engineer or Surveyor;**
- 2. That at the time of Minor Plat submittal, the legal description be changed in accordance with the Register of Deeds and Department of Equalization's comments;**
- 3. That at the time of Minor Plat submittal, a Utility Easement be dedicated according to the comments from Black Hills Energy;**
- 4. 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;**
- 5. That all existing easements for Brenner Pass and Danube Lane be maintained during this platting process;**
- 6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 7. That existing addresses be properly posted on the existing residence and any future residence(s) constructed and in accordance with Pennington County's Ordinance #20;**
- 8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 9. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an**

**approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**

- 10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-08, which is available at the Planning Office; and,**
- 11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**Vote: unanimous 7 to 0.**

### **END OF CONSENT CALENDAR**

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

(Continued from the April 10, 2017, Planning Commission meeting.)

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

Conover reviewed that this is an Ordinance Amendment to address Section 312 “Signs, Billboards and Other Advertising Structures.”

Staff recommended to deny without prejudice Ordinance Amendment / OA 16-03 to allow staff to perform additional research.

Discussion followed.

**Moved by Marsh and seconded by McCollam to deny without prejudice Ordinance Amendment / OA 16-03 to allow staff time to perform additional research.**

**All voting aye, the Motion carried 7 to 0.**



9. 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.

(Continued from the May 8, 2017, Planning Commission meeting.)

This Item was removed from the Consent Calendar for discussion.

Bolstad stated this Item was continued from the May 8, 2017, Planning Commission meeting 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.

Staff recommended to continue Conditional Use Permit / CU 17-10 to the June 12, 2017, Planning Commission meeting.

Discussion followed.

**Moved by Landers and seconded by Lasseter to continue Conditional Use Permit / CU 17-10 to the June 12, 2017, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

10. 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.

(Continued from the May 8, 2017, Planning Commission meeting.)

This Item was removed from the Consent Calendar for discussion.

Bolstad stated this Item was continued from the May 8, 2017, Planning Commission meeting in order for Staff to research further the maximum overnight occupancy allowed and to allow the applicants to update their website to correct overnight occupancy.

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 Litzen and seconded by McCollam to approve 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.

All voting, the Motion carried 4 to 3. Commissioners Marsh, Litzen, Zvejnieks, and McCollam voted yes. Commissioners Hadcock, Lasseter, and Landers voted no.

19. LAYOUT PLAT / PL 17-09: Bradley and Gloria Groth; Howe Land Surveying. To reconfigure lot lines in order to create Lot 2R and Lot 3R of Harrington Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations

EXISTING LEGAL: Lot 2 and Lot 3, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R and Lot 3R, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating that the applicants have applied for Layout Plat to reconfigure lot lines in order to create Lot 2R and Lot 3R of Harrington Subdivision.

Staff recommended approval of Layout Plat / PL 17-09 with the following nine (9) 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 proposed Lot 3R, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
4. That existing addresses be properly posted on the existing residence and any future residence(s) constructed and in accordance with Pennington County's Ordinance #20;
5. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 500.5 1. A. 3. B. of the Pennington County Subdivision Regulations;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-09, which is available at the Planning Office; and,
9. 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 Lasseter and seconded by Litzen to approve of Layout Plat / PL 17-09 with the following nine (9) 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 proposed Lot 3R, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
4. That existing addresses be properly posted on the existing residence and any future residence(s) constructed and in accordance with Pennington County's Ordinance #20;
5. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 500.5 1. A. 3. B. of the Pennington County Subdivision Regulations;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-09, which is available at the Planning Office; and,
9. 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 7 to 0.**

20. LAYOUT PLAT / PL 17-10: Tracy Spaans; Howe Land Surveying. To create Lots 3A and 3B of Metz Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3 of Tract A less RTY, Metz Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3A and 3B, Metz Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 3A and 3B of Metz Subdivision.

Staff recommended approval of Layout Plat / PL 17-10 with the following fifteen (15) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lot 3A obtain an approved Lot Size Variance or be Rezoned appropriately;
2. That at the time of new Plat submittal, the Plat heading be corrected to say: Lots 3A and 3B of Tract A of Metz Addition (formerly...;
3. That at the time of new Plat submittal, the Owner's Certificates be corrected to state: Catherine M. Little Bull for the first certificate and notary; and the second certificate should be Tracy Spaans f/k/a Tracy M. Parker in the certificate and notary;
4. That at the time of new Plat submittal, the lot dimensions be corrected appropriately;
5. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 3B to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That at the time of new Plat submittal, the 16-foot-wide Access Easement be increased to 40-feet or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That at the time of new Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
10. That addresses be properly posted on the existing residences and any future residence(s) constructed on proposed Lot 3A and at the approaches so they are visible from Metz Road, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

12. 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;
13. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-10, which is available at the Planning Office; and,
15. 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 Hadcock and seconded by Litzen to approve of Layout Plat / PL 17-10 with the following fifteen (15) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lot 3A obtain an approved Lot Size Variance or be Rezoned appropriately;**
- 2. That at the time of new Plat submittal, the Plat heading be corrected to say: Lots 3A and 3B of Tract A of Metz Addition (formerly...;**
- 3. That at the time of new Plat submittal, the Owner's Certificates be corrected to state: Catherine M. Little Bull for the first certificate and notary; and the second certificate should be Tracy Spaans f/k/a Tracy M. Parker in the certificate and notary;**
- 4. That at the time of new Plat submittal, the lot dimensions be corrected appropriately;**
- 5. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 3B to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 7. That at the time of new Plat submittal, the 16-foot-wide Access Easement be increased to 40-feet, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**



8. That at the time of new Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
10. That addresses be properly posted on the existing residences and any future residence(s) constructed on proposed Lot 3A and at the approaches so they are visible from Metz Road, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
12. 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;
13. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-10, which is available at the Planning Office; and,
15. 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 7 to 0.

21. LAYOUT PLAT / PL 17-11: Delbert and Yvette Haskell; Howe Land Surveying. To create Lots A, B, and C of Tract 5 of Clear Creek Tracts in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 5, Clear Creek Tracts, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, and C of Tract 5 of Clear Creek Tracts, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to create Lots A, B, and C of Tract 5 of Clear Creek Tracts.

Staff recommended approval of Layout Plat / PL 17-11 with the following twelve (12) 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 proposed Lot B and Lot C, 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 recording the Plat with the Register of Deeds, rapid access to proposed Lot B and Lot C continue to be shown on the Plat;
4. That at the time of a Minor Plat submittal, the indicated “25’ BUILDING SETBACK” note, be removed, or remain with the understanding that this will create a minimum twenty-five (25) foot setback regardless of the Zoning District designation, or be clarified to indicate the setback distance of the existing residence to the proposed lot line;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That existing addresses be properly posted on the existing residence and any future residence(s) constructed and in accordance with Pennington County’s Ordinance #20;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That prior to the Plat being recorded at the Register of Deeds, Lot Size Variances for all three (3) lots or Rezoning and a Comprehensive Plan Amendment for all three (3) lots be obtained;
10. That “Lot B” for the proposed lot at 2.50 acres, be changed to Lot C;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-11, which is available at the Planning Office; and,
12. 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 Lasseter to approve of Layout Plat / PL 17-11 with the following twelve (12) 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 proposed Lot B and Lot C, 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 recording the Plat with the Register of Deeds, rapid access to proposed Lot B and Lot C continue to be shown on the Plat;**
- 4. That at the time of a Minor Plat submittal, the indicated “25’ BUILDING SETBACK” note, be removed, or remain with the understanding that this will create a minimum twenty-five (25) foot setback regardless of the Zoning District designation, or be clarified to indicate the setback distance of the existing residence to the proposed lot line;**
- 5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 6. That existing addresses be properly posted on the existing residence and any future residence(s) constructed and in accordance with Pennington County’s Ordinance #20;**
- 7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 8. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 9. That prior to the Plat being recorded at the Register of Deeds, Lot Size Variances for all three (3) lots or Rezoning and a Comprehensive Plan Amendment for all three (3) lots be obtained;**
- 10. That “Lot B” for the proposed lot at 2.50 acres, be changed to Lot C;**

11. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-11, which is available at the Planning Office; and,**
12. **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 7 to 0.**

22. CONDITIONAL USE PERMIT / CU 17-20: Melissa Masters. To allow a mobile large animal / home veterinary practice on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW/14, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow mobile large animal / home veterinary practice on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 17-20 with the following eleven (11) 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 no more than four (4) employees are employed at any given time;
3. That one (1) business sign be allowed. A Sign Permit is required and must be issued in accordance with Section 312 of the Zoning Ordinance;
4. That the applicant disposes of animal waste in a timely manner and any waste be handled in accordance with ARSD §74:27:13:17;
5. That a minimum of five (5) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
6. That the secondary use on the subject property be limited to a veterinarian practice only. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
7. 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;

8. That no deceased animals shall be kept or stored in any structures or on the property;
9. That the property is kept free of junk and debris;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-20, which is available at the Planning Office; and,
11. 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 17-20.

Discussion further followed to add an additional condition that, if the property is sold to someone other than the father or mother of Melissa Masters, the Conditional Use Permit shall end.

**SUBSTITUTE MOTION: Moved by Landers and seconded by Lasseter to approve of Conditional Use Permit 17-20 with the following twelve (12) 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 no more than four (4) employees are employed at any given time;**
- 3. That one (1) business sign be allowed. A Sign Permit is required and must be issued in accordance with Section 312 of the Zoning Ordinance;**
- 4. That the applicant disposes of animal waste in a timely manner and any waste be handled in accordance with ARSD §74:27:13:17;**
- 5. That a minimum of five (5) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**
- 6. That the secondary use on the subject property be limited to a veterinarian practice only. Any expansion beyond this will require the Conditional Use Permit to be reviewed;**
- 7. 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;**

8. **That no deceased animals shall be kept or stored in any structures or on the property;**
9. **That the property is kept free of junk and debris;**
10. **That if the subject property is sold or transferred to someone other than Masters Veterinary Service of Melissa Masters or Melissa Masters' mother (Kathy Noland) or father (Bill Masters), the Conditional Use Permit shall end;**
11. **That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-20, 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.**

**All voting aye, the Motion carried 7 to 0.**

23. 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.

(Continued from the May 8, 2017, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied to amend the existing Planned Unit Developments 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.

Staff recommended approval of Planned Unit Development / PU 17-03 with the following twenty-two (22) conditions:

1. That the uses allowed in Zone 1 be those allowed in the Commercial Zoning District and to include a car wash facility;

2. That the uses allowed in Zone 2 be for 19 storage unit buildings and the single-family residence to be used as a caretaker's residence, and the caretaker be directly engaged in the day-to-day operation of the storage unit business;
3. That a minimum of four parking spaces be provided and that a loading, and unloading zone be provided for all storage unit buildings in Zone 2 that run along the units and must have four 4 inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That the business address for the storage units be posted on the property to be clearly visible and to be maintained in accordance with Ordinance No. 20 and updated to reflect access off of Dunsmore Road;
5. That the access for the caretaker's residence be moved to Muirfield Drive from Sheridan Lake Road and the address posted on the property to be clearly visible and to be maintained in accordance with Ordinance No. 20 and updated to reflect access off of Muirfield Drive;
6. That any new approaches and/or access obtain an approved Approach Permit, or similar, from the appropriate road authority;
7. That any lighting used to illuminate any off-street parking or lighting in Zone 1 or Zone 2 shall be so arranged as to deflect the light from all adjoining residences and the lighting on the outside of the storage units in Zone 2 be directed towards the ground;
8. That sign(s) shall be allowed in Zone 1 and Zone 2 with an approved Sign Permit. The sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
9. That prior to Building Permits being issued for two (2) additional storage unit buildings (will be 19 total storage units), a drainage plan addressing run-off shall be reviewed and approved by the County Drainage Engineer;
10. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;
11. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require a Construction Permit;
12. That any work encompassing over (1) one acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environment and Natural Resources;
13. That the storage units be used exclusively for storage and not retail business activities;

14. That any additional storage unit buildings requires the Planned Unit Development to be amended;
15. That the hours of operation for the storage units be from 7:00 a.m. to 10:00 p.m.;
16. That the address and a sign be posted indicating after hours contact information with the owner phone number, which must be clearly visible at the entrance to the lot for the storage units;
17. That the uses allowed in Zone 3 be those allowed in a Suburban Residential Zoning District;
18. 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;
19. That the setbacks from property lines for Zone 2 and Zone 3 a minimum of 25 feet from the front and rear property lines and 8 feet from the side yard property lines; and a 58 foot setback from Section Lines or the Section Line be vacated;
20. That the setbacks from property lines for Zone 1 follow those for a General Commercial Zoning District;
21. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-03, which is available at the Planning Office; and,
22. 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.

Planning Commission recessed at 10:58 a.m.

Planning Commission reconvened at 11:04 a.m.

Discussion continued.

**Moved by Litzen and seconded by McCollam to approve of Major Planned Unit Development Amendment / PU 17-03 with the following twenty-two (22) conditions:**

- 1. That the uses allowed in Zone 1 be those allowed in the Commercial Zoning District and to include a car wash facility;**
- 2. That the uses allowed in Zone 2 be for 19 storage unit buildings and the single-family residence to be used as a caretaker's residence, and the**



caretaker be directly engaged in the day-to-day operation of the storage unit business;

3. That a minimum of four parking spaces be provided and that a loading, and unloading zone be provided for all storage unit buildings in Zone 2 that run along the units and must have four 4 inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That the business address for the storage units be posted on the property to be clearly visible and to be maintained in accordance with Ordinance No. 20 and updated to reflect access off of Dunsmore Road;
5. That the access for the caretaker's residence be moved to Muirfield Drive from Sheridan Lake Road and the address posted on the property to be clearly visible and to be maintained in accordance with Ordinance No. 20 and updated to reflect access off of Muirfield Drive;
6. That any new approaches and/or access obtain an approved Approach Permit, or similar, from the appropriate road authority;
7. That any lighting used to illuminate any off-street parking or lighting in Zone 1 or Zone 2 shall be so arranged as to deflect the light from all adjoining residences and the lighting on the outside of the storage units in Zone 2 be directed towards the ground;
8. That sign(s) shall be allowed in Zone 1 and Zone 2 with an approved Sign Permit. The sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
9. That prior to Building Permits being issued for two (2) additional storage unit buildings (will be 19 total storage units), a drainage plan addressing run-off shall be reviewed and approved by the County Drainage Engineer;
10. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;
11. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require a Construction Permit;
12. That any work encompassing over (1) one acre will require the applicant to obtained an approved Storm Water Construction Permit from the South Dakota Department of Environment and Natural Resources;
13. That the storage units be used exclusively for storage and not retail business activities;

14. That any additional storage unit buildings requires the Planned Unit Development to be amended;
15. That the hours of operation for the storage units be from 7:00 a.m. to 10:00 p.m.;
16. That the address and a sign be posted indicating after hours contact information with the owner phone number, which must be clearly visible at the entrance to the lot for the storage units;
17. That the uses allowed in Zone 3 be those allowed in a Suburban Residential Zoning District;
18. 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;
19. That the setbacks from property lines for Zone 2 and Zone 3 a minimum of 25 feet from the front and rear property lines and 8 feet from the side yard property lines; and a 58 foot setback from Section Lines or the Section Line be vacated;
20. That the setbacks from property lines for Zone 1 follow those for a General Commercial Zoning District;
21. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-03, which is available at the Planning Office; and,
22. 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 7 to 0.

24. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 8, 2017, Planning Commission meeting, with the exception of:

1. 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.

This Item was continued to the June 20, 2017, Board of Commissioner's meeting.

25. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

26. ITEMS FROM THE STAFF

- A. 2017 National Planning Conference. Conover spoke of the National Planning Conference.
- B. 2017 Floodplain Conference. Molitor spoke of the Floodplain Conference.
- C. Planner I and Planner II. Conover introduced Amy Riddering as the new Planner I for the Planning Department.
- D. Section 312 - Signs, Billboards and Other Advertising Structures. Conover spoke of Section 312.
- E. Comprehensive Plan Meeting Workshops - June 20<sup>th</sup> through June 22<sup>nd</sup>. Conover informed the Planning Commission of upcoming Comprehensive Plan Meeting Workshops that Matrix will be hosting, which are scheduled for Tuesday, June 20<sup>th</sup> in Hill City 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 BH State University, Rapid City Campus (Rooms 124/126), Rapid City at 6 p.m.
- F. Planning Commission Packets. Conover discussed the Planning Commission packets obtained earlier for the Planning Commission members.

Commissioner Hadcock left the meeting at 11:32 a.m.

27. ITEMS FROM THE MEMBERSHIP

Chairman Zvejnieks spoke of Wildland Fire comments staff receives when applications are routed for their comments.

Commissioner Litzen reminded that she will appear by Skype at the June 22<sup>nd</sup> meeting.

Commissioner Landers stated she will not be in attendance at the June 22<sup>nd</sup> meeting.

Commissioner Marsh spoke of Vacation Home Rentals.

28. ADJOURNMENT

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

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

**The meeting adjourned at 11:45 a.m.**

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Sig Zvejnieks, Chairperson