

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**June 12, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen (Skype), Rich Marsh, Travis Lasseter, William McCollam, and Lloyd LaCroix.

STAFF PRESENT: Brittney Molitor, Michaele Hoffmann (SAO), Amy Reddering, Frank Waisath, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MAY 22, 2017, MINUTES

**Moved by McCollam and seconded by Lasseter to approve the Minutes of the May 22, 2017, Planning Commission meeting. Roll Call Vote: Litzen – aye, Marsh – aye, LaCroix – aye, Zvejnieks – aye, Lasseter – aye, and McCollam – aye. Roll Call Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA

**Moved by Marsh and seconded by Lasseter to approve the Agenda of the June 12, 2017, Planning Commission meeting. Roll Call Vote: Litzen – aye, Marsh – aye, LaCroix – aye, Zvejnieks – aye, Lasseter – aye, and McCollam – aye. Roll Call Vote: unanimous 6 to 0.**

**Moved by Marsh and seconded by McCollam to approve the Consent Calendar of the June 12, 2017, Planning Commission meeting. Roll Call Vote: Litzen – aye, Marsh – aye, LaCroix – aye, Zvejnieks – aye, Lasseter – aye, and McCollam – aye. Roll Call Vote: unanimous 6 to 0.**

**CONSENT CALENDAR**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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.

(Continued from the May 22, 2017, Planning Commission meeting.)

**To end Conditional Use Permit / CU 15-11, with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

- 4. CONDITIONAL USE PERMIT REVIEW / CU 99-22: South Canyon Country Estates Homeowner's Association; Ron Davis - Agent. To review a community recreational area in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.**

Lot A, Block 7, South Canyon Country Estates, Section 26, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 99-22 with the following twelve (12) conditions:**

- 1. That a minimum of twenty-two (22) off-street parking spaces continue to be maintained to serve park uses and the parking area continue to be kept in a dust free manner;**
- 2. That this Conditional Use Permit be reviewed if any additional uses or structures are added to the subject property, to ensure that adequate parking is maintained and the applicant must notify the Planning Department prior to any work being done;**
- 3. That the park hours be between 6:00 a.m. and 11 p.m.;**
- 4. That a Removal Permit be obtained prior to the removal of any existing structure from the subject property;**
- 5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 6. That a Construction Permit be obtained prior to engaging in any excavation, clearing, or land disturbance greater than or equal to 10,000 square feet;**
- 7. That the address, 1520 Kings Road, be continually posted on the structure next to the swimming pool, so it is clearly visible from both directions of travel along Kings Road in accordance with Pennington County's Ordinance #20;**
- 8. That if the new uses in the park generate greater wastewater flow than the existing septic system is designed to handle, the applicant will be required to either update the existing septic system or install a new septic system. In**

which case, an approved On-site Wastewater Construction Permit will need to be obtained from the Planning Department prior to the issuance of a Building Permit;

9. That the subject property continues to remain free of debris and junk vehicles;
10. That all structures continue to maintain proper setbacks from property lines, on-site utilities and easements or the applicant obtains approval of the required Variances;
11. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 19-22; and,
12. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 96-11:** Donald and Norma Lynde. To review a double-wide mobile home as a caretaker's residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4, except lot A, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

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

**To approve of the extension of Conditional Use Permit / CU 96-11 with the following seven (7) conditions:**

1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
2. That the mobile home continually has wood, hardboard or simulated wood siding;
3. That the mobile home continually has a wood or asphalt shingled roof;
4. That the mobile home (caretaker's residence) be removed at such time that the family member no longer needs assistance;

5. That the property remains clear of unlicensed or inoperable vehicles and debris;
6. That the Final Plat to create Lots 1 and 2 of Lynde Subdivision be submitted to the Register of Deeds prior to another extension of Conditional Use Permit / CU 96-11 beyond June 12, 2017; and,
7. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all conditions are being met.

**Vote: unanimous 6 to 0.**

6. **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 in NW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota

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

**To approve of the extension of Conditional Use Permit / CU 96-14 with the following four (4) conditions:**

1. That the manufactured home continues to have wood, hardboard or simulated wood siding;
2. That the manufactured home continues to have a wood or asphalt shingled roof;
3. That the manufactured home be removed at such time that Irene Hirsch no longer needs assistance, or the property be subdivided to create a separate lot for the manufactured home to stay on the subject property; and,
4. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners.

**Vote: unanimous 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 01-01:** C.E. and Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The West 250' of the North 662.9' of the NW1/4 SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 01-01 to the July 24, 2017, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 11-16:** Randy and Viola Scott. To review a single-wide mobile home as a permanent, single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 16, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 11-16 with the following five (5) conditions:**

1. **That the lot address (5494 Greenwood Lane) continue to be clearly posted so it is visible from Greenwood Lane at all times in accordance with Pennington County's Ordinance #20;**
2. **That the property continually remains free of debris and junk vehicles;**
3. **That the mobile home installed on the property continues to have a peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
4. **That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
5. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 16-14:** Ron Toof. To review a Recreational Vehicle to be used as temporary living quarters on the subject property, while the applicant works to replace the single-wide mobile that was destroyed by fire, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-14 with the following nine (9) conditions:**

- 1. That a Recreational Vehicle (RV) may continue to be utilized as living quarters on the property for a period of time not to exceed the expiration date of COBP17-0200 and Conditional Use Permit / CU 16-14 will automatically expire upon expiration of COBP17-0200;**
- 2. That there continue to be no more than one (1) Recreational Vehicle (RV) allowed on the subject property;**
- 3. That the Recreational Vehicle (RV) continue to be hooked into the existing on-site wastewater treatment system until the new mobile home is habitable;**
- 4. That upon placement or installation of the new mobile home 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;**
- 5. That the address assigned to the property (3200 Raveen Drive) continue to be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters or at the driveway, so as to be visible from both directions on Raveen Drive in accordance with Pennington County's Ordinance #20;**
- 6. That the property continues to remain free of excess debris and junk, in accordance with Pennington County's Ordinance #106;**
- 7. That this Conditional Use Permit is only valid for Lot 7, Block 1, Mesa View Estates Subdivision #1;**
- 8. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 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 6 to 0.**

- 10. CONDITIONAL USE PERMIT REVIEW / CU 08-48: Spring Creek Premier Property / Cody Schad. To review accessory structures (garage and pump house) without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.**

Lot 2, Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 08-48 with the following nine (9) conditions:**

- 1. That the address (13621 Twisted Pines Trail) be properly posted on both the structure and the approach off of Twisted Pines Trail in accordance with Pennington County's Ordinance #20;**
- 2. That a new Building Permit be obtained for each structure prior to the construction of the proposed structures;**
- 3. 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;**
- 4. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations, including obtaining necessary licenses and permits;**
- 5. That proper setbacks be maintained for all structures located on the property or an approved Setback Variance be obtained;**
- 6. That the proposed garage be used for personal use only, and no commercial-type uses or home-based business;**
- 7. That the property remains free of debris and junk vehicles;**
- 8. That Conditional Use Permit / CU 08-48 be automatically revoked if construction of the proposed 36' x 48' garage has not been completed within two (2) years of the approved date for COBP17-0297; and,**
- 9. That this Conditional Use Permit be reviewed in two (2) years, upon a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

- 11. CONDITIONAL USE PERMIT REVIEW / CU 92-31: James Oury. To review an accessory structure prior to a primary structure in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.**

Lot 1 and Pt of Wild Irishman Rd (A Private Rd) Which Runs Through Lot 1, Wild Irishman Subdivision, Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 92-31.**

**Vote: unanimous 6 to 0.**

- 12. CONSTRUCTION PERMIT REVIEW / CP 16-04:** Black Hills Power, Inc. To review the construction of a 230 kV transmission line to connect the Teckla Substation in Campbell County, Wyoming, to the Osage Substation in Weston County, Wyoming, and the Lange Substation located in Pennington County, near Rapid City, South Dakota.

The 144 mile project traverses through 36.3 miles of the Black Hills National Forest, 4.7 miles of Thunder Basin National Grassland, 2.6 miles of BLM Land, 10.3 miles of State of Wyoming land, and 90 miles of private land in SD and WY.

**To approve of the extension of Construction Permit / CP 16-04 with the following eight (8) conditions:**

- 1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during 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 for example (mulch and seed) need to be certified noxious weed-free;**
- 4. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
- 5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;**
- 6. That the conditions, which apply to National Forest Service lands only, listed in the Black Hills National Forest Record of Decision for the Teckla-Osage-Rapid City 230 kV Transmission Line Project be continually met;**
- 7. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,**



8. That this Construction Permit expires one (1) year from extension approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

13. **CONSTRUCTION PERMIT REVIEW / CP 17-05:** Anthony and Michele Griffith. To review bringing in fill to an area to level, gravel and allow for reclamation of the remaining area.

Balance of Lot 1 of NE1/4SW1/4; Lot 1 of SE1/4SW1/4; E1/2 of Lot A of SE1/4SW1/4; E1/2 of Lot A of NE1/4SW1/4 Adjacent to Lot 1, Section 29, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Construction Permit / CP 17-05 with the following seven (7) conditions:**

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial 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 conditions of approval of the Rapid City Air Quality Construction Permit and Rapid City Air Quality Unpaved Parking/Storage Permit be continually met;
7. That this Construction Permit be reviewed in one (1) year to ensure that all conditions of approval are met.

**Vote: unanimous 6 to 0**

14. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-02:** Deerfield Park Condominiums Council of Co-Owners. To review an existing Planned Unit Development in accordance with Section 508 of the Pennington County Zoning Ordinance.

Deerfield Park Condominiums Family Units 1 thru 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Major Planned Unit Development Amendment / PU 15-02 with the following thirteen (13) conditions:**

1. That the specific uses of this Planned Unit Development continue to be for single-family residences not to exceed ten (10) units located in not more than five (5) structures, of which only Units #5, #7, and #9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. That each residential condominium unit (#1-#4, #6, #8, and #10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That only Condominium Units #5, #7, and #9 may be used for night/weekly rental or normal residential use;
5. That Condominium Units #5, #7, and #9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;
7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That 2 lb. ABC dry chemical fire extinguishers continue to be accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;

9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;
10. That the applicants continually have a Sales Tax License as required by the South Dakota Department of Revenue;
11. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director; and,
13. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0**

15. **CONDITIONAL USE PERMIT / CU 17-21:** Cricket Lawn Service. To allow for the storage of equipment for a lawn and landscaping business on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, B and G Subdivision, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

**To continue Conditional Use Permit / CU 17-21 to the June 26, 2017, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

16. **CONDITIONAL USE PERMIT / CU 17-22:** Pamela Phillips. To allow for a single-wide mobile to be used as a permanent, 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.

Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-22 with the following nine (9) conditions:**

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;

2. That an approved Approach Permit from County Highway be obtained prior to submittal of a Building Permit;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
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 the address is clearly posted on the residence and so that it is visible from both directions of Covington Street, in accordance with Pennington County's Ordinance #20;
8. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-22; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0**

17. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-04:** Kelly Development / Ryan Kelly. To amend the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

**To recommend to continue Major Planned Unit Development Amendment / PU 17-04 to the June 26, 2017, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

18. **COMPREHENSIVE PLAN AMENDMENT / CA 17-05:** Kelly Development / Ryan Kelly. To amend the Pennington County Comprehensive Plan to change the Future Land Use from Heavy Industrial District to Planned Unit Development District in accordance with Sections 212, 213, and 508 of the Pennington County Zoning Ordinance.

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

**To recommend to continue Comprehensive Plan Amendment / CA 17-05 to the June 26, 2017, Planning Commission meeting.**

**Vote: unanimous 6 to 0**

- 19. LAYOUT PLAT / PL 17-12:** Chase or Loni Phillips; D.C. Scott Surveyors. To combine three lots to create Lots 1 and 2 of Wicksville Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots A, B, and C of NW1/4NW1/4, Section 32, T2N, R13E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Wicksville Addition, Section 32, T2N, R13E, BHM, Pennington County, South Dakota.

**To recommend approval of Layout Plat / PL 17-12 with the following twelve (12) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Wicksville Addition obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. 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;**
- 3. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That at the time of new Plat submittal, the applicant submits topography information or a Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That at the time of new Plat submittal, the applicant submits a copy of the plat showing the location of existing structures, including setbacks, or a Subdivision Regulations Variance be obtained waiving this requirement;**
- 6. 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;**

7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That address be properly posted on the existing residences and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from Highway 1416, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. 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;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-12, 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.

**Vote: unanimous 6 to 0**

**END OF CONSENT CALENDAR**

20. 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 22, 2017, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for a Vacation Home Rental in a Suburban Residential District. Molitor further stated this Item was continued from the May 22, 2017, Planning Commission meeting in order for Staff to perform additional research.

Staff recommended approval of Conditional Use Permit / CU 17-10 with the following 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 to the structure 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 current 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 either 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.

Discussion followed.

Moved by Litzen and seconded by LaCroix to approve of Conditional Use Permit /CU 17-10.

Discussion further followed to include additional language in Condition #7; whereby, the interior information sign shall also include information that there is only one means of ingress/egress; no trespassing on neighboring property owner's properties; be aware of rattle snakes in the area, and also be aware of fire danger and the subject property topography; and to amend Condition #14 that the review of this Conditional Use Permit shall be in six (6) months.

**SUBSTITUTE MOTION: Moved by Litzen and seconded by LaCroix to approve 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 to the structure 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 current 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; to include information that there is only one means of ingress/egress; no trespassing on neighboring property owner's properties; be aware of rattle snakes in the area, and also be aware of fire danger and the subject property topography, 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 either 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 six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Roll Call Vote on Substitute Motion: Litzen, Marsh, LaCroix, and McCollam – aye, Zvejnieks and Lasseter - no. Roll Call Vote on Substitute Motion passed 4 to 2.**

21. CONSTRUCTION PERMIT / CP 17-07: Miller Construction. To construct a 800-foot long driveway that will provide access to the subject property located in the SW1/4SW1/4 of Section 9, T2S, R7E, BHM, Pennington County, South Dakota, in accordance with Section 507 of the Pennington County Zoning Ordinance.

SW1/4SW1/4 of Section 9, T2S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to construct a 800-foot-long driveway that will provide access to the subject property located in the SW1/4SW1/4 of Section 9, T2S, R7E, BHM, Pennington County, South Dakota.

Staff recommended approval of Construction Permit / CP 17-07 with the following eight (8) conditions:

1. That if the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, be implemented immediately after the work is completed in the area, but in no case later than 14 days after Construction Activity has stopped. All erosion control methods (e.g. 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 receives approval from the Board of Commissioners for Construction within a Section Line Right-of-Way prior to any disturbance within the Section Line Right-of-Way;

7. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
8. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

**Moved by Lasseter and seconded by LaCroix to approve of Construction Permit / CP 17-07 with the following eight (8) conditions:**

- 1. That if the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, be implemented immediately after the work is completed in the area, but in no case later than 14 days after Construction Activity has stopped. All erosion control methods (e.g. 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 receives approval from the Board of Commissioners for Construction within a Section Line Right-of-Way prior to any disturbance within the Section Line Right-of-Way;**
- 7. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,**
- 8. 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.**

**Roll Call Vote: Litzen – aye, Marsh – aye, LaCroix – aye, Zvejnieks – aye, Lasseter – aye, and McCollam – aye. Roll Call Vote: unanimous 6 to 0.**

22. MINOR PLAT / PL 17-13 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-06: Fred Whiting; Andersen Engineers. To create Lot J and Lot K and Well Easement of Rushmore Ranch Estates Subdivision and to waive submittal of platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

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

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

Molitor reviewed the Staff Report indicating the applicant has applied to create Lot J and Lot K and Well Easement of Rushmore Ranch Estates Subdivision and to waive submittal of platting requirements.

Staff recommended approval to waive a portion of Subdivision Regulations Variance / SV 17-06: 1) to waive the requirement for submittal of five (5) foot topographic contours; and, 2) to waive road improvement requirements.

Staff recommended denial of a portion of Subdivision Regulations Variance / SV 17-06 to waive the requirement for submittal of percolation tests and soil profile hole information for proposed Lots J and K.

Staff recommended approval of Minor Plat / PL 17-13 with the following five (5) conditions:

1. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot J and proposed Lot K to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That prior to filing the Plat with the Register of Deeds that the applicant verify with the Register of Deeds that lighter colored printing and lighter colored lines in the drawing of plat are dark enough to be reproducible; and,

5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-13 and Subdivision Regulations Variance / SV 17-06, which is available at the Planning Office.

Discussion followed.

**Moved by Marsh and seconded by Lasseter to waive a portion of Subdivision Regulations Variance / SV 17-06: 1) to waive the requirement for submittal of five (5) foot topographic contours; and, 2) to waive road improvement requirements.**

**Roll Call Vote: Litzen – aye, Marsh – aye, LaCroix – aye, Zvejnieks – aye, Lasseter – aye, and McCollam – aye. Roll Call Vote: unanimous 6 to 0.**

**Moved by Marsh and seconded by Lasseter to deny of a portion of Subdivision Regulations Variance / SV 17-06 to waive the requirement for submittal of percolation tests and soil profile hole information for proposed Lots J and K.**

**Roll Call Vote: Litzen – aye, Marsh – aye, LaCroix – aye, Zvejnieks – aye, Lasseter – aye, and McCollam – aye. Roll Call Vote: unanimous 6 to 0.**

**Moved by Marsh and seconded by McCollam to approve of Minor Plat / PL 17-13 with the following five (5) conditions:**

1. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot J and proposed Lot K to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That prior to filing the Plat with the Register of Deeds that the applicant verify with the Register of Deeds that lighter colored printing and lighter colored lines in the drawing of plat are dark enough to be reproducible; and,
5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-13 and Subdivision Regulations Variance / SV 17-06, which is available at the Planning Office.

**Roll Call Vote: Litzen – aye, Marsh – aye, LaCroix – aye, Zvejnieks – aye, Lasseter – aye, and McCollam – aye. Roll Call Vote: unanimous 6 to 0.**

23. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 22, 2017, Planning Commission meeting.

The Board of Commissioners, from the April 24, 2017, Planning Commission meeting, continued the below Item to the June 6<sup>th</sup> Board of Commissioner's meeting and, at this meeting, made a Motion to continue the Item again.

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.

24. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

25. ITEMS FROM THE STAFF

- A. Planner II. Molitor introduced Frank Waisath as the new Planner II for the Planning Department.
- B. Alternative Energy Moratorium. Molitor explained that this Moratorium was on the Agenda to be heard by the Board of Commissioners.
- C. Mining Ordinance Update. Molitor stated the Mining Committee has finished working on the proposed Ordinance and staff is reviewing it.
- D. Building Permit Report. Riddering reviewed the Building Permit Report for May 2017.
- E. View to 2040 – Community Workshop #1 Summary. Molitor reviewed a few items in the Summary and also 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 Open Positions. Molitor reviewed that there will be two positions open for the Planning Commission.

26. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

27. ADJOURNMENT

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

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

**The meeting adjourned at 10:44 a.m.**

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Sig Zvejnieks, Chairperson