

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 24, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Lori Litzen, Travis Lasseter, William McCollam, Kathryn Johnson, and Mark DiSanto.

STAFF PRESENT: PJ Conover, Amy Riddering, Frank Waisath, Michaele Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. ELECTION OF OFFICERS

Moved by Litzen and seconded by DiSanto to nominate Travis Lasseter as Chairperson. Moved by McCollam and seconded by DiSanto to cease nominations. Vote: Unanimous (5 to 0).

Moved by Litzen and seconded by McCollam to nominate Rich Marsh as First Vice-Chairperson. Moved by Johnson and seconded by Litzen to cease nominations. Vote: Unanimous (5 to 0).

Moved by Litzen and seconded by McCollam to nominate Kathryn Johnson as Second Vice-Chairperson. Moved by Litzen and seconded by McCollam to cease nominations. Vote: Unanimous (5 to 0).

2. APPROVAL OF THE JULY 10, 2017, MINUTES

Moved by Litzen and seconded by McCollam to approve the Minutes of the July 10, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

3. APPROVAL OF THE AGENDA

Moved by DiSanto and seconded by Litzen to approve the Agenda of the July 24, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by DiSanto and seconded by McCollam to approve the Consent Calendar of the July 24, 2017, Planning Commission meeting, with the removal of Items #6, #9, and #12. Vote: unanimous 5 to 0.

CONSENT CALENDAR

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 01-01:** Charles 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 NW1/4SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the June 12, 2017, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 01-01 to the October 23, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 05-14:** Desirae Kursave. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208-C-19 and 510 of the Pennington County Zoning Ordinance.

N1/2 of Lot A of Lot 4; Lot B of Lot 4; Lot C of Lot 4, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

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

To approve of the extension of Conditional Use Permit / CU 05-14 with the following eight (8) 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 a manufactured home measuring at least sixteen (16) feet by eighty (80) feet with a peaked non-reflective type roof and wood or simulated wood-type siding continue to be maintained;**
3. **That the applicant continues to use the existing approach from Hickory Drive;**
4. **That the applicant ensures that all natural drainage ways must be maintained and are not blocked;**
5. **That the property remains free of junk and debris;**
6. **That the property remains free of unlicensed and/or inoperable vehicles;**
7. **That the applicant must have a visible address posted at Hickory Drive; and,**

8. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all Conditions of Approval are being met by the new owner.

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 12-17:** Jon and Penny Fosheim. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 11, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 12-17.

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 15-13:** Richard and Delores Linstrom; Rod Linstrom – Agent. To review a ranch hand’s residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Part of Lot 1 Less Tract A and B (also in Section 35 and T2S, R4E Sections 2 and 3); Hunter Tract Being a Subdivision of Lot 1 of Reno Placer, Reno Placer MS #832, Section 34, T1S, R4E, BHM, Pennington County, South Dakota.

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

To end Conditional Use Permit / CU 15-13.

Vote: unanimous 5 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 16-12:** TC Enterprises, Inc.; Todd Schuetzle – Agent. To allow bicycle rentals, ATV rentals, and a retail shop as neighborhood commercial in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot D of Lot 13, Rochford Townsite Patent Subdivision, Section 23, T2N, R3E, BHM, Pennington County, South Dakota..

To approve of the extension of Conditional Use Permit / CU 16-12 with the following seventeen (17) conditions:

1. That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;

2. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;
3. That port-o-potties are provided on-site for customers to utilize during business hours;
4. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;
5. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;
6. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County's Ordinance #20;
7. That a Building Permit be obtained for the proposed new shop and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
8. That the applicant ensures the residential character of the property is maintained;
9. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
10. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;
11. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;
12. That the property remain free of debris and junk vehicles;
13. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;

14. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;
15. That if the uses approved by way of Conditional Use Permit / CU 16-12 cease for a period of one (1) year or more, the Conditional Use Permit will be automatically revoked in accordance with Pennington County Zoning Ordinance Section 510(E)(1)(a) and the property must be returned to residential use only;
16. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business; and,
17. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 16-15:** Tom or Lynne Distler. To review a Recreational Vehicle to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-15 with the following ten (10) conditions:

1. That the address for the residence (13849 Neck Yoke Road) be posted at the driveway so that it is visible from both directions of travel on Neck Yoke Road in accordance with Pennington County's Ordinance #20;
2. That the On-Site Wastewater Treatment System be installed prior to the Recreational Vehicle (RV) being used as a temporary residence, and the RV must be hooked into the newly installed On-Site Wastewater Treatment System until the single-family residence is habitable;
3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;

5. 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;
6. That the RV no longer be used as a temporary residence once the new single-family residence is habitable, following which it may only be allowed to be stored on the property;
7. That should a second RV be used as a temporary residence, the applicant must apply for an additional Conditional Use Permit to allow multiple RVs as living quarters in a Suburban Residential District.
8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be automatically revoked;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval, which is available at the Planning Department; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission.

Vote: unanimous 5 to 0.

13. **CONSTRUCTION PERMIT REVIEW / CU 16-06:** Heavy Constructors. To review the removal and replacing of asphalt which will include regrading of the road within the mobile home park.

W1/2E1/2SE1/4SW1/4 Less Tract 1 of Vetsch Subdivision Less Lot H1 and Less Seger Drive; E1/2W1/2SE1/4SW1/4 Less Lot H1 and Less Seger Drive, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

To end Construction Permit / CU 16-06.

Vote: unanimous 5 to 0.

14. **PLANNED UNIT DEVELOPMENT REVIEW / PU 08-04:** Linda Kramer. To review a Planned Unit Development to allow for three (3) additional cabins in a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

The N1/2 of the NE1/4 lying east of County Road, Section 18, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development / PU 08-04 with the following twelve (12) conditions:

1. That the well and the wastewater disposal system meet the requirements of the South Dakota Department of Health;
2. That the required setbacks for all structures be a minimum of 25 feet from all property lines;
3. That the permitted uses be a three (3) bedroom single-family residence, two (2) bedroom guest cabin, chapel, recreational hall, corral, three (3) one-bedroom cabins, three (3) storage barns, and accessory residential structures;
4. That the day visitor groups be limited to a maximum of 50 occupants;
5. 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;
6. That a guest list be maintained and a smoke detector be placed in each sleeping room;
7. That each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That the applicant has at least one 2A-BC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure;
9. That the address of the property be posted inside each cabin for the guests and outside each cabin for emergency location purposes;
10. That the applicant maintain a minimum of 24 parking spaces and that each parking space be a minimum of nine feet by eighteen feet and be maintained in dust free manner;
11. That the recreational resort be limited to one sign totaling four square feet in area and be shall be located a minimum of 17 feet from any property line; and,
12. That this Planned Unit Development be reviewed on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.

Vote: unanimous 5 to 0.

15. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-06:** Hans Peter and Christine Streich; Fisk Land Surveying - Agent. To amend the existing Planned Unit Development to allow the road to be constructed with a 12-foot-wide

minimum surface area width and 4 inches of gravel; that a maximum of 9 bedrooms be utilized in the bed and breakfast establishment with a maximum occupancy of 24 persons at any one time; to remove Condition #13; and that the specific uses of this Planned Unit Development be for a resort development consisting of a 9 bedroom bed and breakfast and a residential development not exceeding 1 residence per 10 acres in accordance with Section 213 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

To continue Minor Planned Unit Development Amendment / PU 17-06 to the August 14, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

16. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend to continue Planned Unit Development Review / PU 06-07 to the August 14, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

17. **VACATION OF PLAT / VP 17-01:** Walter Horton. To vacate the plat of Lot 5 (also in Sections 27 and 21) of Moon Ranch Subdivision in Section 28, T1S, R1E, BHM, Pennington County, South Dakota.

EXISTING LEGAL: Lot A in the NE1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: H.E.S. 551 in Sections 21, 27, and 28, T1S, R1E; less Lot 6 of Moon Ranch Subdivision, BHM, Pennington County, South Dakota.

To recommend to continue Vacation of Plat / VP 17-01 to the August 28, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

END OF CONSENT CALENDAR

6. CONDITIONAL USE PERMIT REVIEW / CU 12-16: Jon and Penny Fosheim. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lots 30-32, Block 11, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar to address minor corrections in the Staff Report.

Staff recommended to end Conditional Use Permit / CU 12-16.

Discussion followed.

Moved by Litzen and seconded by DiSanto to end Conditional Use Permit / CU 12-16.

All voting aye, the Motion carried 5 to 0.

9. CONDITIONAL USE PERMIT REVIEW / CU 16-05: Spring Creek Hideaway, LLC / Brent and Pam Veurink. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Peterson Subdivision MS 622, Section 11, T2S, R4E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar to address minor corrections in the Staff Report.

Staff recommended to continue the review of Conditional Use Permit / CU 16-05 to the October 23, 2017, Planning Commission meeting.

Discussion followed.

Moved by Johnson and seconded by Litzen to continue the review of Conditional Use Permit / CU 16-05 to the October 23, 2017, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

12. CONDITIONAL USE PERMIT / CU 17-27: Beverly Sears. To allow an existing 12' x 12' structure to be used as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208, and 510 of the Pennington County Zoning Ordinance.

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

Conover reviewed the Staff Report indicating the applicant has applied to allow an existing 12' x 12' structure to be used as a single-family residence in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 17-27 with the following six (6) conditions:

1. That an approved onsite wastewater treatment system be installed within 60 days of approval of this Conditional Use Permit;
2. That a lot address be assigned for the property and the applicant post it so it is clearly visible from both directions of travel along Main Street in accordance with Pennington County Ordinance #20;
3. That if any plumbing is to be installed in the structures, it be hooked into an approved means of wastewater disposal (i.e. holding tank);
4. That the applicant obtains Building Permits for the structure and the attached deck and any applicable penalty fees;
5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-27, which is available at the Planning Office; and,
6. That this Conditional Use Permit be reviewed on September 25, 2017, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by DiSanto and seconded by Litzen to approve of Conditional Use Permit / CU 17-27 with the following six (6) conditions:

- 1. That an approved onsite wastewater treatment system be installed within 60 days of approval of this Conditional Use Permit;**
- 2. That a lot address be assigned for the property and the applicant post it so it is clearly visible from both directions of travel along Main Street in accordance with Pennington County Ordinance #20;**
- 3. That if any plumbing is to be installed in the structures, it be hooked into an approved means of wastewater disposal (i.e. holding tank);**

4. That the applicant obtains Building Permits for the structure and the attached deck and any applicable penalty fees;
5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-27, which is available at the Planning Office; and,
6. That this Conditional Use Permit be reviewed on September 25, 2017, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

18. 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.

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

Conover reviewed the Staff Report indicating the applicant has applied to amend the existing Sheridan Lake Highlands Planned Unit Development.

Staff recommended approval of Major Planned Unit Development Amendment / PU 17-04 with the following twenty-two (22) conditions:

1. That the Planned Unit Development consists of no more than four (4) residential lots;
2. That the minimum size of the residential lots be two (2) acres;
3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That no off-premise signs be allowed within the Planned Unit Development;
6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant

changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;

7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That no lot is permitted to take access off of Sheridan Lake Road;
10. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
11. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
12. That subject lots within this PUD remain part of the Sheridan Lake Highlands Road District;
13. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, become part of the Homeowners Association created for Sheridan Lake Highlands, within six (6) months of their creation and that Lots 3 – 6 of Block 4 of Sheridan Lake Highlands remain part of the Homeowner’s Association;
14. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
15. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
16. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision;
17. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
18. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered

Professional Engineer to approve of and sign off the percolation tests and septic system design;

19. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on proposed Lot 3 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would constitute a public nuisance, and that all future structures meet current Pennington County Zoning Ordinance Standards;
20. That no private wells will be drilled on any individual lots;
21. That the applicant signs the Statement of Understanding (SOU) for this Major Planned Unit Development Amendment, within ten (10) days of its approval. The SOU is available at the Pennington County Planning Department; and,
22. That this Planned Unit Development be reviewed in one (1) year or upon 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 Litzen and seconded by DiSanto to approve of Major Planned Unit Development Amendment / PU 17-04, with an amendment to the language in Condition #20, with the following twenty-one (21) conditions:

- 1. That the Planned Unit Development consists of no more than four (4) residential lots;**
- 2. That the minimum size of the residential lots be two (2) acres;**
- 3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;**
- 4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 5. That no off-premise signs be allowed within the Planned Unit Development;**
- 6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;**

7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That no lot is permitted to take access off of Sheridan Lake Road;
9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
11. That subject lots within this PUD remain part of the Sheridan Lake Highlands Road District;
12. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, become part of the Homeowners Association created for Sheridan Lake Highlands, within six (6) months of their creation and that Lots 3 – 6 of Block 4 of Sheridan Lake Highlands remain part of the Homeowner’s Association;
13. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
14. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
15. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision;
16. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
17. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;

18. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on proposed Lot 3 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would constitute a public nuisance, and that all future structures meet current Pennington County Zoning Ordinance Standards;
19. That no private wells will be drilled on any individual lots; and, Lots 3 – 6 of Block 4 of Sheridan Lake Highlands remain part of the existing water system;
20. That the applicant signs the Statement of Understanding (SOU) for this Major Planned Unit Development Amendment, within ten (10) days of its approval. The SOU is available at the Pennington County Planning Department; and,
21. That this Planned Unit Development be reviewed in one (1) year or upon a complaint basis; or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

19. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-05: Tanner Colburn. To amend the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to amend the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line on the subject property.

Staff recommended to continue Minor Planned Unit Development Amendment / PU 17-05 to the August 14, 2017, Planning Commission meeting in order for Staff to meet with the applicant.

Discussion followed.

Moved by DiSanto and seconded by McCollam to continue Minor Planned Unit Development Amendment / PU 17-05 to the August 14, 2017, Planning Commission meeting in order for Staff to meet with the applicant.

All voting aye, the Motion carried 5 to 0.

20. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-07: Donna and Lyle Hartshorn. To rezone 4.38 acres from Highway Service District to a Planned Unit Development on Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4, and to amend an existing Planned Unit Development to allow a farmer's market to include a maximum of 60 vendors, on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 4.38 acres from Highway Service District to a Planned Unit Development on Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4, and to amend an existing Planned Unit Development to allow a farmer's market to include a maximum of 60 vendors, on the subject properties.

Staff recommended approval of Major Planned Unit Development Amendment / PU 17-07 with the following twenty-eight (28) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;
2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That this Planned Unit Development be considered an overlay zoning district; whereby, the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PU 17-07, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District in their respective locations;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 16-01, may be brought forth for review;
5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;
7. That the grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the parking areas be large enough for a minimum of one-hundred and twenty-two (122) parking spaces and the arena parking area be large enough for a minimum of seventy (70) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at least eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;
9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;
10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;
11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only;
12. That any music being provided for any activities be shut down by 10 p.m.;
13. That the applicant install directional signs along the interior driveway to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;

17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;
18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;
20. That if another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;
21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;
22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;
23. That the applicant ensure the residential and agricultural character of the property is maintained;
24. 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;
25. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
26. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
27. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 17-07, which is available at the Planning Office; and,
28. That Planned Unit Development / PUD 17-07, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by DiSanto and seconded by Litzen to approve of Major Planned Unit Development Amendment / PU 17-07 with the following twenty-eight (28) conditions:

- 1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;**
- 2. That the number of guests be limited up to a maximum of 300 at any one-time;**
- 3. That this Planned Unit Development be considered an overlay zoning district; whereby, the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PU 17-07, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District in their respective locations;**
- 4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 16-01, may be brought forth for review;**
- 5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;**
- 6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;**
- 7. That the grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;**
- 8. That the parking areas be large enough for a minimum of one-hundred and twenty-two (122) parking spaces and the arena parking area be large enough for a minimum of seventy (70) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at least**

eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;

- 9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;**
- 10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;**
- 11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only;**
- 12. That any music being provided for any activities be shut down by 10 p.m.;**
- 13. That the applicant install directional signs along the interior driveway to direct visitors;**
- 14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;**
- 15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;**
- 16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;**
- 17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;**
- 18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;**

19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;
20. That if another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;
21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;
22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;
23. That the applicant ensure the residential and agricultural character of the property is maintained;
24. 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;
25. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
26. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
27. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 17-07, which is available at the Planning Office; and,
28. That Planned Unit Development / PUD 17-07, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 26, 2017, Planning Commission meeting, with the exception of Layout Plat 17-14 (Dave and Nancy Fisher). This item was continued to perform additional research regarding Vick Drive.

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 10, 2017, Planning Commission meeting.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

A. Code of Ethics. Conover spoke of code of ethics for Planning Commissioners.

24. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

25. ADJOURNMENT

Moved by DiSanto and seconded by Litzen to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 10:25 a.m.

Travis Lasseter, Chairperson