

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**August 14, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Lori Litzen, Travis Lasseter, William McCollam, Kathryn Johnson, and Ron Buskerud.

STAFF PRESENT: Brittney Molitor, Cassie Bolstad, Amy Riddering, Frank Waisath, Michael Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 24, 2017, MINUTES  
**Moved by Johnson and seconded by Litzen to approve the Minutes of the July 24, 2017, Planning Commission meeting. Vote: unanimous 4 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by McCollam and seconded by Johnson to approve the Agenda of the August 14, 2017, Planning Commission meeting. Vote: unanimous 4 to 0.**

**Moved by McCollam and seconded by Litzen to approve the Consent Calendar of the August 14, 2017, Planning Commission meeting, with the removal of Items #4, #7, and #19. Vote: unanimous 4 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 00-29:** Lorraine and Doug Smith. To review a double-wide manufactured home as a caretaker's residence in a General Agriculture District in accordance with Sections 204-D and Section 510 of the Pennington County Zoning Ordinance.

E1/2S3/4NE1/4SW1/4; E1/2SE1/4SW1/4 Less that PT Lying S of Highway, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 00-29 with the applicant's concurrence.**

**Vote: unanimous 4 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-23:** Keystone Adventures, Inc.; Andrew Busse – Agent. To review a golf driving range and helipad in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

The Unplatted Balance of Government Lot 16 less Right-of-Way; and the Unplatted Balance of Government Lot 21 less Right-of-Way, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 14-23 with the following sixteen (16) conditions:**

1. **That this Conditional Use Permit allows for a golf driving range and two (2) helipads on the subject property with chartered helicopter tours to be operated from the site;**
2. **That the hours of operation for commercial helicopter tours during peak season from Memorial Day through Labor Day of each year be 9 a.m.–7 p.m.;**
3. **That the hours of operation for commercial helicopter tours during the off-season from May 1<sup>st</sup> until Memorial Day and from Labor Day through October 31<sup>st</sup> of each year be 10 a.m.–6 p.m.;**
4. **That the term “commercial helicopter tours” be defined as those given to ticketed customers for the purpose of recreation and enjoyment;**
5. **That the number of helicopters flying for the purposes of commercial helicopter tours be limited to two (2) at any given time during hours of operation;**
6. **That the helipad be allowed to be utilized on a limited basis for public service type commercial helicopter tour operations, including, but not limited to, Life Flight, utility patrols, fire fighting, National Guard, etc.;**
7. **That the lower helipad (nearest to Highway 16A) be utilized as the primary point of takeoff and departure and the upper helipad only be utilized as a backup when warranted by environmental conditions;**
8. **That off-street parking be provided on-site in accordance with the requirements of Section 310 of the Zoning Ordinance for Commercial recreation uses;**
9. **That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;**

10. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;
11. That access to the helipads be limited to employees and customers escorted by employees;
12. That the comments provided by the U.S. Forest Service be adhered to at all times;
13. That a Sign Permit be obtained prior to the installation of any signs on the property. All new signs must meet the requirements of Section 312 of the Zoning Ordinance;
14. That the property (24035 Highway 16A) be clearly visible from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met; and,
16. That prior to transfer of the property, the landowner notify the Planning Director and Conditional Use Permit / CU 14-23 be reviewed.

**Vote: unanimous 4 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-15:** Gerald Meredith. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 3 of SE1/4NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

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

1. That the addresses for both the existing single-family residence and the caretaker's residence be posted in accordance with Ordinance #20 on each residence and so that they are visible from School Drive;
2. That an updated Doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dawn Clarkson;

3. 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;
4. That all future structures meet the minimum required setbacks for a Suburban Residential District or an approved Setback Variance be obtained prior to Building Permit approval; and,
5. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 4 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-22:** BH Power, Inc. / BH Electric Cooperative; Michael Pogany - Agent. To review a contractor's storage yard for the Teckla-Osage-Rapid City 230kV Transmission Line Project located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract A less Lot H1, Substation Subdivision, Section 27, T1N, R3E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-22 with the following eight (8) conditions:**

1. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
2. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;
3. That erosion control measures be implemented around the site to prevent sediment leaving the site;
4. That tracking control measures be implemented at the entrance/exit to Deerfield Road from the storage yard;
5. That adequate space is provided for parking in the storage yard;
6. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;

7. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;
8. That this Conditional Use Permit be reviewed on February 12, 2018, 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 4 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 16-24:** BH Power, Inc. / BH Electric Cooperative; Michael Pogany - Agent. To allow a contractor's storage yard for the Teckla-Osage-Rapid City 230kV Transmission Line Project located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-24 with nine (9) conditions.**

1. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
2. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;
3. That erosion control measures be implemented around the site to prevent sediment leaving the site;
4. That tracking control measures be implemented at the entrance/exit to Hidden Valley Road from the storage yard;
5. That adequate space is provided for parking in the storage yard;
6. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;
7. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;
8. That the conditions of the City of Rapid City Haul Road Agreement for Hidden Valley Road be continually met; and

9. **That this Conditional Use Permit be reviewed on February 12, 2018 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 4 to 0.**

10. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 13-02:** Steven and Kay French. To review the existing Planned Unit Development to allow for nightly, weekly, and yearly rentals in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot RR, Johnson Siding Townsite, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

**To continue the review of Minor Planned Unit Development Amendment / PU 13-02 to the August 28, 2017, Planning Commission meeting.**

**Vote: unanimous 4 to 0.**

11. **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.

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

**To continue the review of Planned Unit Development / PU 06-07 to the September 11, 2017, Planning Commission meeting.**

**Vote: unanimous 4 to 0.**

12. **CONSTRUCTION PERMIT / CP 17-09:** City of Rapid City; Banner Associates – Agent. To install 12 inch water main to provide water quality and supply looping capabilities to the East Rapid Water Users Region and Rapid City Regional Airport.

Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 17-09 with the following eight (8) conditions:**

1. **That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South**

**Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**

- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
- 5. That the street sweeping on Anderson Road is performed on an as-needed basis by the contractor during the period of construction;**
- 6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
- 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 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.**

**Vote: unanimous 4 to 0.**

- 13. CONDITIONAL USE PERMIT / CU 17-29: Arch Duran. To allow for a Recreational Vehicle to be used as temporary living quarters on the subject property, for seasonal use from May 1<sup>st</sup> to October 1st, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.**

Lot 1 of Lot D of Lot 1 of S1/2SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-29 with the following twelve (12) conditions:**

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property;**

2. That the one (1) Recreational Vehicle (RV) will only be used seasonally between May 1<sup>st</sup> and October 1<sup>st</sup> each year;
3. That an address be assigned and clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters during the seasonal restrictions. The address must be posted on the residence and at the driveway so as to be visible from Black Forest Road, in accordance with Pennington County's Ordinance #20;
4. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
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 the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property upon end of the seasonal use;
9. That the Recreational Vehicle (RV) is for personal use only and shall not be rented at any time;
10. That that applicant obtain current Operating Permits for all three (3) On-Site Wastewater Treatment Systems (OWTS) within ninety (90) days of the approval of CU 17-29;
11. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-14, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 4 to 0.**



14. **CONDITIONAL USE PERMIT / CU 17-30**: Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent. To allow for a single-family residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

**To continue Conditional Use Permit / CU 17-30 to the August 28, 2017, Planning Commission meeting.**

**Vote: unanimous 4 to 0.**

15. **CONDITIONAL USE PERMIT / CU 17-31**: Jack Andersen. To allow a double-wide mobile home to be used as a caretaker's residence in a General Agriculture District in accordance with Sections 205, and 510 of the Pennington County Zoning Ordinance.

NE1/4; W1/2NW1/4; SE1/4NW1/4; SW1/4; SE1/4; Section 20, T2S, R14E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 17-31 with the following eight (8) conditions:**

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That an approved Building Permit be obtained for the caretaker's residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That an updated Doctor's note be provided during each review of Conditional Use Permit / CU 17-31;
6. That once care is no longer needed for Jack Andersen, the caretaker's residence be removed from the subject property or the subject property be subdivided so that each residence is on a separate lot;

7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-31, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 4 to 0.**

16. **CONDITIONAL USE PERMIT / CU 17-32**: Charles Ferrin. To live in an existing single-family residence while constructing a new single-family residence and to allow the existing single-family residence to remain as storage on the subject property due to historical age in a General Agriculture District in accordance with Sections 205, and 510 of the Pennington County Zoning Ordinance.

SW1/4; Section 26, T1S, R6E, BHM, Pennington County, South Dakota

**To approval of Conditional Use Permit / CU 17-32 with the following nine (9) conditions:**

1. 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;
2. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of S. Rockerville Road, in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That should the approach for the new single-family residence differ from the existing approach, the applicant must obtain a new Approach Permit from the Highway Department, prior to approval of a Building Permit for the new single-family residence;
6. That the existing log cabin, single-family residence be allowed to remain on the property as long as it is used as storage only and no living quarters remain;
7. That the subject property remains free of debris and junk vehicles;

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 4 to 0.**

17. **MINOR PLAT / PL 17-18 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-07:** Tracy Spaans. To create Lots 3A and 3B of Metz Subdivision and to waive platting requirements in accordance with Section 400.3 and Section 700.1 of the Pennington County Subdivision Regulations.

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

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

**To recommend approval of Subdivision Regulations Variance / SV 17-07 to waive road improvements; to waive submittal of percolation test and soil profile hole information for proposed Lot 3B; to waive easement width requirements; and, submittal of topography at 5-foot contour intervals; and approval of Minor Plat / PL 17-18 with the following ten (10) conditions:**

1. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 3B to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the 16-foot-wide Access Easement be increased to 40-feet, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to 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;

5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That addresses be properly posted on the existing residences and any future residence(s) constructed on proposed Lot 3B and at the approaches so they are visible from Metz Road, in accordance with Pennington County's Ordinance #20;
7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
8. 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;
9. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-18 and Subdivision Regulations Variance / SV 17-07, which is available at the Planning Office.

**Vote: unanimous 4 to 0.**

18. **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.

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

**To continue Minor Planned Unit Development Amendment / PU 17-06 to the August 28, 2017, Planning Commission meeting in order for the request to be readvertised.**

**Vote: unanimous 4 to 0.**

**END OF CONSENT CALENDAR**

Commissioner Buskerud appeared at the meeting at 9:11 a.m.

4. CONDITIONAL USE PERMIT REVIEW / CU 10-19: Tom Bodensteiner. To review an additional residence on the subject property as “housing for hired help” in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Unit 1, Bodensteiner Farm Condominium, Section 21, T2N, R8E, BHM, Pennington County, South Dakota.

Staff asked to remove this Item from the Consent Agenda for discussion, as the Agenda indicated “To recommend approval of the extension of Conditional Use Permit / CU 10-19 with eight (8) conditions”, and staff is recommending to end Conditional Use Permit 10-19 as it no longer meets the Conditions of Approval.

Discussion followed.

Commissioner Johnson stated she would be abstaining from voting on this item.

**Moved by McCollam and seconded by Litzen to end Conditional Use Permit / CU 10-19 as it no longer meets the Conditions of Approval.**

**All voting aye, the Motion carried 4 to 0. Commissioner Johnson abstained from voting.**

7. CONDITIONAL USE PERMIT REVIEW / CU 15-31: Kelly and Lana Jensen. To review living in an existing residence while building a new single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot N Revised (Formerly Lot N and Lot 1 of H), Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

Staff asked to remove this Item from the Consent Agenda for discussion, as the Agenda indicated “To end Conditional Use Permit / CU 15-31, with the applicant’s concurrence.”

Staff had originally recommended to end Conditional Use Permit / CU 15-31 with the applicant’s concurrence, but are now recommending this item be continued, as the existing residence is still located on the subject property, and staff needs to confirm the existing residence is only being used as storage.

**Moved by Litzen and seconded by Buskerud to continue Conditional Use Permit / CU 15-31 to the August 28, 2017, Planning Commission meeting.**

**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.

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

A member of the public asked to have this Item removed from the Consent Calendar for discussion.

Staff recommended to continue Minor Planned Unit Development Amendment / PU 17-05 to the August 28, 2017, Planning Commission meeting, with the applicant's concurrence.

Discussion followed.

**Moved by McCollam and seconded by Johnson to continue Minor Planned Unit Development Amendment / PU 17-05 to the August 28, 2017, Planning Commission meeting, with the applicant's concurrence.**

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

20. LAYOUT PLAT / PL 17-19: Laura Pankratz; Ken Nash – Agent. To create Lot B of Pankratz Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SW1/4 LESS NE1/4NE1/4SE1/4SW1/4; That PT of SW1/4SW1/4 Lying South of Right-of-Way; NE1/4NE1/4SW1/4SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot B of Pankratza Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot B of Pankratz Subdivision.

Staff recommended approval of Layout Plat / PL 17-19 with the following eleven (11) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information on the proposed lot and the unplatted remainder, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the Plat Heading is changed per Register of Deeds comments;
4. That at the time of a Minor Plat submittal, the indicated “66’ Access Easement” continue to appear on the Plat;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That prior to the time of a Minor Plat submittal, the applicant or landowner meet with the Pennington County Fire Coordinator to discuss the comment regarding the “turn-offs”;
10. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-19. The SOU is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Buskerud and seconded by Litzen to approve of Layout Plat / PL 17-19 with the following eleven (11) conditions:**

- 1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**

2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information on the proposed lot and the unplatted remainder, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the Plat Heading is changed per Register of Deeds comments;
4. That at the time of a Minor Plat submittal, the indicated "66' Access Easement" continue to appear on the Plat;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That prior to the time of a Minor Plat submittal, the applicant or landowner meet with the Pennington County Fire Coordinator to discuss the comment regarding the "turn-offs";
10. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-19. The SOU is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 5 to 0.

21. CONDITIONAL USE PERMIT / CU 17-28: Laura Pankratz; Ken Nash – Agent. To allow for three existing signs to be relocated on the subject property, to allow for the three existing signs to be located within 1,500 feet of a residential zoning district/dwelling unit, and to allow for the three existing signs to be located closer to each than the requirement of no signs shall be located no closer than 1,500 feet from all other signs in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.



SE1/4SW1/4 LESS NE1/4NE1/4SE1/4SW1/4; That PT of SW1/4SW1/4 Lying South of Right-of-Way; NE1/4NE1/4SW/14SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for three existing signs to be relocated on the subject property, to allow for the three existing signs to be located within 1,500 feet of a residential zoning district/dwelling unit, and to allow for the three existing signs to be located closer to each than the requirement of no signs shall be located no closer than 1,500 feet from all other signs in a Highway Service District.

Staff recommended approval of Conditional Use Permit / CU 17-28 with the following ten (10) conditions:

1. That the three (3) existing signs conform to all regulations in Section 312 of the Pennington County Zoning Ordinance at all times;
2. That the three (3) existing signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
3. That the applicant obtain separate Sign Permits, as necessary, for all prior to any work being done;
4. That the installation of any other off-premise signs on the property requires a separate Sign Permit to be obtained and this Conditional Use Permit be amended;
5. That the signs not be illuminated unless a Conditional Use Permit is approved to allow for such use;
6. That the applicant obtain an approved Sign Permit from the South Dakota Department of Transportation prior to construction of each sign, if required;
7. That the overall height of the off-premise sign, including ground clearance, not exceed 30 feet and the maximum display area not exceed 250 square feet on each face;
8. That the sign must meet a minimum of a five (5) foot setback from the front property line and twenty-five (25) foot setbacks from all side and rear property lines. Also, that no part of the sign or infrastructure be located in any right-of-way;
9. That the property owner signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-28, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in two (2) years, as deemed necessary by the Pennington County Planning Commission or County Board of

Commissions or on a complaint basis to verify that all Conditionals of Approval are being met.

Discussion followed.

**Moved by Litzen and seconded by Buskerud to continue Conditional Use Permit / CU 17-28 to the August 28, 2017, Planning Commission meeting in order for staff and the applicant to meet to address the concerns of the Planning Commission.**

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

22. LAYOUT PLAT / PL 17-17: Castle Creek Enterprises; Mark Ruddeforth – Agent. To create Lots A and Lot B of Ruddeforth Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Outlot 1 of Lot 17 and 30 feet of Right-of-Way and Lot 17 less Outlot 1 and Right-of-Way (also in Section 3), Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and Lot B of Ruddeforth Subdivision, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicated the applicant has applied for a Layout Plat to reconfigure lot lines to create Lots A and Lot B of Ruddeforth Subdivision.

Staff recommended approval of Layout Plat / PL 17-17 with the following thirteen (13) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information on existing Outlot 1 which will be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the applicant obtains and approved Lot Size Variance or the lots be Rezoned appropriately
4. That an approved Floodplain Development Permit be obtained prior to any work being performed or prior to a structure being placed in the Special Flood Hazard Area (Zone A);
5. That at the time of Minor Plat submittal, the Plat Heading is changed per Register of Deeds comments;

6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That at the time of Minor Plat submittal, the landowner provide meeting minutes regarding their meeting with the National Forest Service, relative to the possible encroachment of a driveway on National Forest Service Land;
10. That at the time of Minor Plat submittal, the landowner provide an update relative to the on-going dispute regarding the possible access encroachment into Highway 385;
11. That prior to the plat being recorded with the Register of Deeds, all existing structures meet the requirements of the Pennington County Zoning Ordinance;
12. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-17. The SOU is available at the Planning Office; and,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Buskerud and seconded by Litzen to approve of Layout Plat / PL 17-17 with the following thirteen (13) conditions:**

- 1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information on existing Outlot 1 which will be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That prior to filing the Plat with the Register of Deeds, the applicant obtains and approved Lot Size Variance or the lots be Rezoned appropriately**

4. That an approved Floodplain Development Permit be obtained prior to any work being performed or prior to a structure being placed in the Special Flood Hazard Area (Zone A);
5. That at the time of Minor Plat submittal, the Plat Heading is changed per Register of Deeds comments;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That at the time of Minor Plat submittal, the landowner provide meeting minutes regarding their meeting with the National Forest Service, relative to the possible encroachment of a driveway on National Forest Service Land;
10. That at the time of Minor Plat submittal, the landowner provide an update relative to the on-going dispute regarding the possible access encroachment into Highway 385;
11. That prior to the plat being recorded with the Register of Deeds, all existing structures meet the requirements of the Pennington County Zoning Ordinance;
12. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-17. The SOU is available at the Planning Office; and,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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

23. REZONE / RZ 17-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-07: Castle Creek Enterprises; Mark Ruddeforth – Agent. To rezone 4.77 acres from Suburban Residential District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to General Commercial District in accordance with Sections 208, 209, and 508 of the Pennington County Zoning Ordinance.

Outlot 1 of Lot 17 and 30 feet of RTY, Saxon Placer MS 1250 Subdivision, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 4.77 acres from Suburban Residential District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to General Commercial District.

Staff recommended approval of Rezone / 17-07 and Comprehensive Plan Amendment 17-07.

**Moved by Johnson and seconded by Litzen to approve of Rezone / 17-07 and Comprehensive Plan Amendment 17-07.**

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

24. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 24, 2017, Planning Commission meeting.

25. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

26. ITEMS FROM THE STAFF

A. Building Permit Report. Bolstad reviewed the Building Permit Report for July.

27. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

28. ADJOURNMENT

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

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

**The meeting adjourned at 9:54 a.m.**

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Travis Lasseter, Chairperson