

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
August 28, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Lori Litzen, Travis Lasseter, William McCollam, Rich Marsh, Kathryn Johnson, Sonny Rivers, and Deb Hadcock.

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

ROLL CALL

1. APPROVAL OF THE AUGUST 14, 2017, MINUTES  
**Moved by Johnson and seconded by McCollam to approve the Minutes of the August 14, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by McCollam and seconded by Johnson to approve the Agenda of the August 28, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Marsh and seconded by Litzen to approve the Consent Calendar of the August 28, 2017, Planning Commission meeting, with the removal of Items #8, and #18. Vote: unanimous 7 to 0.**

**CONSENT CALENDAR**

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

3. CONDITIONAL USE PERMIT REVIEW / CU 12-04: Nancy Kimball. To review a multi-family dwelling unit (tri-plex) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

SW1/4SW1/4SW1/4NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 12-04 with the following five (5) conditions:**

1. That a minimum of six (6) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
2. That the property continue to be kept free of debris and junk vehicles;
3. That the address of each unit continue to be clearly posted so it is visible from South Valley Drive, in accordance with Pennington County's Ordinance #20;
4. That smoke alarms continue to be properly maintained in working order in each unit; and,
5. That this Conditional Use Permit be reviewed in five (5) 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 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-27:** Mike Dressler. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4R (also in Section 13), Block 3, Alpine Acres Meadow, Section 14, T2N, R4E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 12-27 to the November 13, 2017, Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

5. **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.

(Continued from the August 14, 2017, Planning Commission.)

**To end Conditional Use Permit / CU 15-31 with the applicant's concurrence.**

**Vote: unanimous 7 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-18:** Steve and Kathryn Venteicher. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A Revised of Lot 15, Stratmeyer Addition, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-18 with the following sixteen (16) conditions:**

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people;
2. That the address for the residence (23773 Pine Haven Drive) continue to be posted at all times on the residence and at the driveway so that it is visible from both directions of travel on Pine Haven Drive in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a Low Density Residential District continue to 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 applicant continue to provide a landline in case of an emergency;
7. That the Landowners continue to 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;
8. That the applicant continues to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of five (5) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

10. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G, with 399-3721 and 394-4139 listed as contacts for the Fire Department and Sheriff's Department, during operating of the residence as a VHR;
11. That the applicant ensure the VHR continues to operate in accordance with the requirements of Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Steve and Kathryn Venteicher, 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;
13. 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;
14. That prior to the placement of any on-premise signs, the applicant obtain approval of a Sign Permit and such signs must meet all requirements of Section 312;
15. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Conditional Use Permit / CU 16-18, the SOU is available at the Planning Office; and,
16. 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 the Pennington County Planning Commission to verify that all conditions are being met.

**Vote: unanimous 7 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-20:** Perry or Vicki Van Newkirk. To review an accessory structure, a pole barn, prior to a principal structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 48 (includes 48A), Burns Placers #697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 16-20 to the September 11, 2017, Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 16-23:** Charles and Mary Pringle. To review a Recreational Vehicle to be used as temporary living quarters during the summer months on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 6, Slate Creek Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-23 with the following ten (10) conditions:**

1. **That the Recreational Vehicle (RV) may be utilized as living quarters on the property only during the summer months of each calendar year;**
2. **That the RV shall not be used as a temporary living quarters on the subject property for more than 180 days per calendar year, per Pennington County Zoning Ordinance Section 207-C-15; otherwise, it shall result in automatic revocation of Conditional Use Permit / CU 16-23;**
3. **That if the RV is stored on the property at any time when not in use, it must be disconnected from all utilities, including the On-Site Wastewater Treatment System, water, and electricity;**
4. **That the RV continually utilize an approved On-Site Wastewater Treatment System, while being used as temporary living quarters, per Pennington County Zoning Ordinance Section 207-C-15;**
5. **That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of a new On-Site Wastewater Treatment System on the subject property, if necessary;**
6. **That the address (11759 Prospect Road) continue to be clearly posted on the RV, when in use, and at the end of the driveway off of Prospect Road, so as to be visible from both directions on Prospect Road, in accordance with Pennington County's Ordinance #20;**
7. **That the property continues to remain free of excess debris and junk, in accordance with Pennington County's Ordinance #106;**
8. **That the proper permit(s) be obtained, prior to the applicant adding to or altering the existing structure;**
9. **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,**

10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 16-26:** Terry Sager. To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Olson Park Subdivision #2, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-26 with the following nine (9) conditions:**

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
2. That the address for the residence (23423 Mineral Lane) continue to be posted at the driveway so that it is visible from both directions of travel on Mineral Lane in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or a setback variance be obtained;
5. That the subject property continue to remain free of debris and junk vehicles;
6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;

8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

11. **CONDITIONAL USE PERMIT REVIEW / CU 17-02:** Western Construction. To review a temporary portable asphalt batch plant and stockpile site on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; E1/2NW1/4; GL1 Less Lot A and Less ROW; E1/2SW1/4; SE1/4; GL3 LESS LOT 5; GL4 Less Lot 5, Less Lots 1, 2, 3 and Less ROW, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-02 with the following twelve (12) conditions:**

1. That port-o-potty toilets continue to be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;
2. That the temporary address (14875 Long View Road) assigned to the stockpile and portable asphalt plant continue to be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
3. That all access to the worksite continue to be via the existing private approach;
4. That appropriate measures are continuously taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
6. That dust control measures continue to be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition that does not impact airport operations or pose a safety hazard;

7. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, berm, etc.) be installed to prevent sediment from leaving the site;
8. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;
9. That no unnecessary ponding of water accumulate that could attractant flocking birds, ducks or geese;
10. That the site shall be re-vegetated as required in Section 507-A(5)(c);
11. That this facility is approved for a temporary two (2)-year operation and this request end within two (2) years of approval date unless the applicant reapplies for a new Conditional Use Permit for the same request; and,
12. That this Conditional Use Permit be reviewed in May 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 7 to 0.**

12. **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.

(Continued from the August 14, 2017, Planning Commission meeting.)

**To continue Conditional Use Permit / CU 17-30 to the November 13, 2017, Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

13. **CONDITIONAL USE PERMIT / CU 17-33:** Bituminous Paving/Terry Sewell. To allow a temporary hot mix asphalt batch plant / stockpile site and contractor's storage area for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of W1/2SE1/4 and that PT of SE1/4SE1/4 located E of Highway 385 less Forest View Subdivision less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.



**To approve of Conditional Use Permit / CU 17-33 with the following twelve (12) conditions:**

- 1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;**
- 2. That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;**
- 3. All access to the worksite be via the existing private approach;**
- 4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;**
- 5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;**
- 6. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;**
- 7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;**
- 8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;**
- 9. That prior to operation of the stockpile and portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;**
- 10. That the applicant obtain a Floodplain Development Permit prior to any work being performed and/or structures placed within the 100-year floodplain boundaries;**
- 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 17-33; and,**

12. That this Conditional Use Permit be reviewed in one (1) year, or 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 7 to 0.**

14. **CONDITIONAL USE PERMIT / CU 17-34:** Sherri Wilkie. To allow a single-wide mobile home 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 A of Lot 10, Block 8, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota

**To approve of Conditional Use Permit / CU 17-34 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 the applicant utilize the existing approach off of Corbin Drive and no new approaches be constructed without prior approval from the County Highway Department;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or a variance obtained;
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, and be provided with skirting from the bottom of the walls to the ground;
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 Corbin Drive, 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 17-34; 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 7 to 0.**

15. **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.

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

**To recommend approval of Vacation of Plat / VP 17-01 with the following four (4) conditions:**

1. **That all necessary resolutions for Vacation of Plat / VP 17-01 be recorded by the applicant at the Register of Deeds' Office;**
2. **That after vacation, the Legal Description should read: H.E.S. 551 in Sections 21, 27, and 28, T1S, R1E, BHM; less Lot 6 of Moon Ranch Subdivision, per the Register of Deeds' request;**
3. **That Bacon Lane and associated cul-de-sac (which is a Private Access Easement) remain until such time a Vacation of Easement request is approved by the Board of Commissioners; and**
4. **That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Plat / VP 17-01, which is available at the Planning Office.**

**Vote: unanimous 7 to 0.**

16. **VACATION OF EASEMENT / VE 17-04:** Dana Rogers. To vacate / relocate an existing access easement and to add a forty (40) foot wide private access easement.

Tract 6 (also in Section 32), Summit Peak Estates Subdivision, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

**To recommend to continue Vacation of Easement / VE 17-04 to the September 11, 2017, Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

- 17. 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.

(Continued from the August 14, 2017, Planning Commission.)

**To approve of the extension of Minor Planned Unit Development Amendment / PU 13-02 with the following nine (9) conditions:**

- 1. That the Planned Unit Development consists of a maximum of five (5) apartments all contained within one structure that can be used as living quarters;**
- 2. That the setback for the existing structure be 0.95 foot from the west property line and all proposed and new structures be a minimum of 25 feet from the front and rear and eight (8) feet from the side property lines;**
- 3. That the apartment complex has a local fire alarm system with pull station;**
- 4. That each unit be equipped with either a battery or AC operated smoke detector;**
- 5. That an address must be assigned to each unit and posted on the door of each unit;**
- 6. That a minimum of ten parking spaces be provided measuring at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;**
- 7. That the maximum occupancy of the entire structure be 15 guests per night;**
- 8. That an Operating Permit be obtained every three (3) years; and,**
- 9. That this Planned Unit Development be reviewed in five (5) 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 7 to 0.**

## END OF CONSENT CALENDAR

8. CONDITIONAL USE PERMIT REVIEW / CU 16-21: Jeff Liddell / Liddell Family Trust. To review an accessory structure (barn) prior to a primary structure and to also allow an RV to be used as temporary living quarters during future construction of the barn and single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All of Sunrise Fraction Lode MS 531, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 16-21 with the following fifteen (15) conditions:

1. That the applicant utilize a port-o-potty only during each construction phase and that the port-o-potty be removed once each structure is complete;
2. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
3. That an approved Building Permit be obtained for the proposed single-family residence, prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
4. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That if any plumbing is to be installed in the accessory structure, the barn, it be hooked into an approved means of wastewater disposal;
6. That the barn be used for personal use only and no commercial-type uses;
7. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
8. That at least two (2) off-street parking spaces be provided on the subject property, in accordance with the Pennington County Zoning Ordinance Section 310;
9. That the address (24020 Twin Rocks Road) be posted on the RV during the construction of the barn and on the residence once the residence is completed, and

at the end of the driveway off of Twin Rocks Road; that the address must also be posted where Twin Rocks Road meets Old Hill City Road, so it is visible from both directions of travel on Old Hill City Road, in accordance with the Pennington County's Ordinance #20;

10. That the RV utilize an approved means of wastewater disposal; that the wastewater be contained and dumped at an approved site;
11. That the RV may be utilized as living quarters on the property only during construction of the barn or construction of the single-family residence;
12. 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 and it must be disconnected from all utilities, including septic, water, and electricity;
13. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
14. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Litzen and seconded by Marsh to approve of the extension of Conditional Use Permit / CU 16-21 with the following fifteen (15) conditions:**

- 1. That the applicant utilize a port-o-potty only during each construction phase and that the port-o-potty be removed once each structure is complete;**
- 2. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;**
- 3. That an approved Building Permit be obtained for the proposed single-family residence, prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**
- 4. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**

5. That if any plumbing is to be installed in the accessory structure, the barn, it be hooked into an approved means of wastewater disposal;
6. That the barn be used for personal use only and no commercial-type uses;
7. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
8. That at least two (2) off-street parking spaces be provided on the subject property, in accordance with the Pennington County Zoning Ordinance Section 310;
9. That the address (24020 Twin Rocks Road) be posted on the RV during the construction of the barn and on the residence once the residence is completed, and at the end of the driveway off of Twin Rocks Road; that the address must also be posted where Twin Rocks Road meets Old Hill City Road, so it is visible from both directions of travel on Old Hill City Road, in accordance with the Pennington County's Ordinance #20;
10. That the RV utilize an approved means of wastewater disposal; that the wastewater be contained and dumped at an approved site;
11. That the RV may be utilized as living quarters on the property only during construction of the barn or construction of the single-family residence;
12. 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 and it must be disconnected from all utilities, including septic, water, and electricity;
13. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
14. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 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 10 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 10 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 August 14, 2017, Planning Commission.)

Staff asked to have this Item removed from the Consent Calendar for discussion, at the request of the buyer's agent.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 17-06 with the following thirteen (13) conditions:

1. That the proposed roads (driveways) within the Planned Unit Development be constructed to a minimum twelve (12) foot-wide minimum surface width and four (4) inches of gravel;
2. That a Floodplain Development Permit be obtained for any existing or proposed construction or development within the area on the property located in a federally designated floodplain (Special Flood Hazard Area);
3. That a Sales Tax License from the South Dakota Department of Revenue be obtained prior to operating the proposed bed and breakfast;
4. That a Specialty Resort License from the South Dakota Department of Health be obtained prior to operating the proposed bed and breakfast;
5. That the "Coyote Blues Village Bed and Breakfast" be registered with the Department of Health prior to operation;
6. That a minimum of ten (10) off-street parking spaces be provided for guest parking, and two (2) parking spaces be provided for the owners personal use. Each parking space shall not be less than one hundred sixty-two square feet, nor nine feet by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
7. That a maximum of ten (10) bedrooms be utilized in the bed and breakfast establishment with a maximum occupancy of twenty-four (24) persons at any one time;



8. That no wood shake shingles be allowed as requested by the Pennington County Fire Coordinator;
9. That the specific uses of this Planned Unit Development be for a resort development consisting of a ten (10) bedroom bed and breakfast and a residential development, not exceeding one residence per ten acres;
10. That the required setbacks for all structures be a minimum of 25 feet from the property lines;
11. That the owner(s) notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 17-06, may be brought forth for review;
12. That the owner(s) signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-06, which is available at the Planning Office; and,
13. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Marsh and seconded by Litzen to approve of Minor Planned Unit Development Amendment / PU 17-06, to amend the language in Condition #7, with the following thirteen (13) conditions:**

- 1. That the proposed roads (driveways) within the Planned Unit Development be constructed to a minimum twelve (12) foot-wide minimum surface width and four (4) inches of gravel;**
- 2. That a Floodplain Development Permit be obtained for any existing or proposed construction or development within the area on the property located in a federally designated floodplain (Special Flood Hazard Area);**
- 3. That a Sales Tax License from the South Dakota Department of Revenue be obtained prior to operating the proposed bed and breakfast;**
- 4. That a Specialty Resort License from the South Dakota Department of Health be obtained prior to operating the proposed bed and breakfast;**
- 5. That the “Coyote Blues Village Bed and Breakfast” be registered with the Department of Health prior to operation;**

6. That a minimum of ten (10) off-street parking spaces be provided for guest parking, and two (2) parking spaces be provided for the owners personal use. Each parking space shall not be less than one hundred sixty-two square feet, nor nine feet by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
7. That a maximum of ten (10) bedrooms be utilized in the bed and breakfast establishment and a 2-bedroom residential owner suite, with a maximum occupancy of twenty-four (24) persons at any one time;
8. That no wood shake shingles be allowed as requested by the Pennington County Fire Coordinator;
9. That the specific uses of this Planned Unit Development be for a resort development consisting of a ten (10) bedroom bed and breakfast and a residential development, not exceeding one residence per ten acres;
10. That the required setbacks for all structures be a minimum of 25 feet from the property lines;
11. That the owner(s) notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 17-06, may be brought forth for review;
12. That the owner(s) signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-06, which is available at the Planning Office; and,
13. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

19. MINOR PLAT / PL 17-22: Greg Bolt; Grant Bolt – Agent. To create Lot 6R and Lot 7 of Back Road Subdivision in accordance with Sections 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 6, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 6R and Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to create Lot 6R and Lot 7 of Back Road Subdivision.

Staff recommended approval of Minor Plat / PL 17-22 with the following ten (10) conditions:

1. That prior to the plat being recorded at the Register of Deeds, the applicant meet with the Planning Director and bring the proposed completed plat for review. If further changes are necessary at time, the Final Plat process may be necessary;
2. That prior to recording a new plat with the Planning Department, all necessary certifications and statements be added to the Plat, per Section 400.3 – Final Plat (and Minor Plat) of the Pennington County Subdivision Regulations;
3. That prior to recording the Plat with the Register of Deeds, an eight (8) foot Utility and Drainage Easement be dedicated on the interior side of all lot lines and remain on the plat when recorded;
4. That access to proposed Lot 7 be per Pennington County Highway Department comments;
5. That at the time Building Permits are applied for, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County's Ordinance #20;
6. That the applicants ensures that all natural drainage ways be maintained and are not blocked;
7. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
8. That prior to recording the Plat with the Register of Deeds, a Building Permit for the extra square footage of the deck be approved;
9. The prior to recording the Plat with the Register of Deeds, the proposed fifty (50) foot wide easement for private access and utilities be better defined by way of adding more bearings and distance information on the Plat; and,
10. That within ten (10) business days of the approval of PL 17-22, the Landowner signs a Statement of Understanding (SOU); the SOU is available at the Planning Department.

Discussion followed.

**Moved by Hadcock and seconded by Marsh to approve of Minor Plat / PL 17-22 with the following ten (10) conditions:**

- 1. That prior to the plat being recorded at the Register of Deeds, the applicant meet with the Planning Director and bring the proposed completed plat for review. If further changes are necessary at time, the Final Plat process may be necessary;**
- 2. That prior to recording a new plat with the Planning Department, all necessary certifications and statements be added to the Plat, per Section 400.3 – Final Plat (and Minor Plat) of the Pennington County Subdivision Regulations;**
- 3. That prior to recording the Plat with the Register of Deeds, an eight (8) foot Utility and Drainage Easement be dedicated on the interior side of all lot lines and remain on the plat when recorded;**
- 4. That access to proposed Lot 7 be per Pennington County Highway Department comments;**
- 5. That at the time Building Permits are applied for, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County’s Ordinance #20;**
- 6. That the applicants ensures that all natural drainage ways be maintained and are not blocked;**
- 7. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**
- 8. That prior to recording the Plat with the Register of Deeds, a Building Permit for the extra square footage of the deck be approved;**
- 9. The prior to recording the Plat with the Register of Deeds, the proposed fifty (50) foot wide easement for private access and utilities be better defined by way of adding more bearings and distance information on the Plat; and,**
- 10. That within ten (10) business days of the approval of PL 17-22, the Landowner signs a Statement of Understanding (SOU); the SOU is available at the Planning Department.**

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

20. 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 August 14, 2017, Planning Commission.)

Riddering 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 approval of Minor Planned Unit Development / PU 17-05 with twenty-three (23) conditions.

Discussion followed.

**Moved by Hadcock and Johnson to hear Item #20 after Item #23.**

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

21. LAYOUT PLAT / PL 17-21: Carol Marso; D.C. Scott Surveyors – Agent. To create Lots 1-4 of Redfern Valley Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2 of SE1/4 of SW1/4 Less Lot 1 of Maewest Subdivision; C A Anderson Tract in SE1/4SW1/4, Section 33, T1N, REE, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4 of Redfern Valley Subdivision, Section 33, T1N, REE, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1-4 of Redfern Valley Subdivision.

Staff recommended approval of Layout Plat / PL 17-21 with the following fourteen (14) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1-4 of Redfern Valley Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;

2. That the applicant obtain an approved Building Permit for the unpermitted shed on proposed Lot 3, with all applicable fees paid;
3. That at the time of new Plat submittal, the applicant provide information regarding the current use of the existing structure on proposed Lot 1, including whether or not an on-site wastewater treatment system is present;
4. That at the time of new Plat submittal, legal access to proposed Lot 4 be indicated on the Plat. If access is to be taken via the Section Line Right-of-Way, the applicant must provide proof of an approved Access Easement from the U.S. Forest Service;
5. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots 1, 2, and 4 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That upon filing the Plat with the Register of Deeds, the applicant applies for Conditional Use Permits on proposed Lots 1 and 2 for accessory structures prior to a principle structure;
8. That at the time of new Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
10. That address be properly posted on the existing residence and any future residence(s) constructed on the proposed lots and at the approaches so they are visible from Mystic Road, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;

13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-21, which is available at the Planning Office; and,
14. 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 Marsh and seconded by McCollam to approve of Layout Plat / PL 17-21 with the following fourteen (14) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1-4 of Redfern Valley Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. That the applicant obtain an approved Building Permit for the unpermitted shed on proposed Lot 3, with all applicable fees paid;**
- 3. That at the time of new Plat submittal, the applicant provide information regarding the current use of the existing structure on proposed Lot 1, including whether or not an on-site wastewater treatment system is present;**
- 4. That at the time of new Plat submittal, legal access to proposed Lot 4 be indicated on the Plat. If access is to be taken via the Section Line Right-of-Way, the applicant must provide proof of an approved Access Easement from the U.S. Forest Service;**
- 5. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots 1, 2, and 4 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 7. That upon filing the Plat with the Register of Deeds, the applicant applies for Conditional Use Permits on proposed Lots 1 and 2 for accessory structures prior to a principle structure;**
- 8. That at the time of new Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**

9. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
10. That address be properly posted on the existing residence and any future residence(s) constructed on the proposed lots and at the approaches so they are visible from Mystic Road, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-21, which is available at the Planning Office; and,
14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 7 to 0.

22. REZONE / RZ 17-08: Alfred and Paige Dial. To rezone 5.64 acres from Light Industrial District to Suburban Residential District in accordance Sections 208, 211, and 508 of the Pennington County Zoning Ordinance.

Lot 3 and Lot 4, G-S Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 5.64 acres from Light Industrial District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 17-08.

Discussion followed.

**Moved by Rivers and seconded by McCollam to approve of Rezone / RZ 17-08.**

All voting aye, the Motion carried 7 to 0.



23. 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.

(Continued from the August 14, 2017, Planning Commission.)

Conover 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.

Conover further noted this Item was continued from the August 14, 2017, Planning Commission meeting in in order for staff and the applicant to meet to address the concerns of the Planning Commission.

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

1. That the three signs conform to all regulations in Section 312 of the Pennington County Zoning Ordinance at all times;
2. That the three 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 Hadcock and seconded by Johnson to continue Conditional Use Permit / CU 17-28 to the September 11, 2017, Planning Commission meeting.**

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

**Moved by Hadock and seconded by Litzen to hear Item #20 before Item #23.**

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

Planning Commission recessed at 10:56 a.m.

Planning Commission reconvened at 11:02 a.m.

20. 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 August 14, 2017, Planning Commission.)

Riddering 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 approval of Minor Planned Unit Development Amendment / PU 17-05 with the following twenty-three (23) conditions:

1. The density of the Planned Unit Development shall not exceed 148 residential lots;
2. That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;
3. That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;
4. That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;
5. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;
6. The minimum lot size for the development shall five (5) acres;
7. That a minimum of eighty (80) acres is maintained as Common area;
8. The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;
9. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
10. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;
11. That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;
12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;

13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;
14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;
15. That 229th Street is maintained according to Ordinance 14 Standards;
16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;
17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
18. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet for the front, rear and east property boundaries and twelve (12) feet for the west property boundary;
19. That a Homeowner's Association be created for the maintenance of the road, community water system, and all use within the common areas;
20. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;
21. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property;
22. That this Minor Planned Unit Development Amendment 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 ensure that all Conditions of Approval are being met; and,
23. That this Minor Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office.

Discussion followed.

**Moved by McCollam and seconded by Johnson to approve of Minor Planned Unit Development Amendment / PU 17-05, to amend the language in Condition #18, with the following twenty-three (23) conditions:**

1. **The density of the Planned Unit Development shall not exceed 148 residential lots;**
2. **That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;**
3. **That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;**
4. **That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;**
5. **That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;**
6. **The minimum lot size for the development shall five (5) acres;**
7. **That a minimum of eighty (80) acres is maintained as Common area;**
8. **The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;**
9. **All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;**
10. **The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;**
11. **That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;**
12. **That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;**
13. **That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;**

14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;
15. That 229th Street is maintained according to Ordinance 14 Standards;
16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;
17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
18. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet from all property lines with the exception of the parameters of the garage as shown on Building Permit (COBP17-0090);
19. That a Homeowner's Association be created for the maintenance of the road, community water system, and all use within the common areas;
20. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;
21. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property;
22. That this Minor Planned Unit Development Amendment 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 ensure that all Conditions of Approval are being met; and,
23. That this Minor Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office.

All voting, the Motion carried 6 to 1. Commissioners Hadcock, Litzen, Lasseter, Johnson, McCollam and Rivers voted yes. Commissioner Marsh voted no.

24. COUNTY BOARD REPORT

The Board of Commissioners will hear the August 14, 2017, Planning Commission's recommendations at their Tuesday, September 5, 2017, meeting.

25. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

26. ITEMS FROM THE STAFF

A. Comprehensive Plan Meeting Workshops – September 25<sup>th</sup> through September 27<sup>th</sup>. Conover informed the Planning Commission of upcoming proposed Comprehensive Plan Meeting Workshops that Matrix will be hosting.

B. Submittal Applications. Conover spoke of submittal applications.

27. ITEMS FROM THE MEMBERSHIP

Commissioners Litzen and McCollam both stated they will not be at the September 11<sup>th</sup> meeting.

28. ADJOURNMENT

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

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

**The meeting adjourned at 11:43 a.m.**

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Travis Lasseter, Chairperson