

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Lori Litzen, Bill McCollam, Rich Marsh, Kathryn Johnson, Sonny Rivers, and Lloyd LaCroix.

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 25, 2017, MINUTES  
**Moved by Marsh and seconded by Litzen to approve the Minutes of the September 25, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Johnson and seconded by Rivers to approve the Agenda of the October 9, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Marsh and seconded by Rivers to approve the Consent Calendar of the October 9, 2017, Planning Commission meeting. 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 91-59:** Melissa Ehrhardt. To review a single-wide mobile home as a single-family residence in a Suburban Residential District in accordance with Section 208-C-19 of the Pennington County Zoning Ordinance.

Tract C of Tract 6, Berger Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 91-59 with the following (four) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the property continue to be kept clear of debris and inoperable automobiles;
3. That an Operating Permit is obtained within 90 days of extension of this Conditional Use Permit; and,
4. That this Conditional Use Permit be reviewed at the January 22, 2018, Planning Commission meeting, to verify that an Operating Permit has been obtained, 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.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 99-36:** Dan and Renee Sims. To allow a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 and Section 305 of the Pennington County Zoning Ordinance.

Lot 1 of the NW1/4SE1/4, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 99-36 with the following eleven (11) conditions:**

1. That the mobile home park continue to have a maximum of 14 mobile home spaces;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home;
3. That all U.S. Forest Service property boundaries and markers be continually respected;
4. That the mobile homes placed prior to 1994 be allowed to remain in their present location; however, all replacement mobile homes shall have a minimum 20 foot separation between units, a minimum 25 foot front yard setback from U. S. Highway 385, a minimum front yard setback of ten (10) feet from all access roads within the mobile home park, and a minimum rear and side yard setback on both sides of the parcel of not less than ten (10) feet;
5. That existing accessory structures be allowed to remain in their present location; and that upon replacement of a mobile home, that lot be allowed

one (1) accessory shed measuring a maximum of eight (8) foot by sixteen (16) foot;

6. That each mobile home space continue to have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than one hundred sixty two square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
7. That four (4) visitor parking spaces continue to be provided. Each space must measure a minimum of nine (9) feet by eighteen (18) feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
8. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
9. That the addition of accessory structures (i.e., decks, sheds) shall be allowed through the issuance of full fee Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
10. That the mobile home park continue to be provided with an on-site management office; and,
11. 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.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 13-22:** Dudley and Ila LaPointe. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 25, Block 7, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 13-22 with the following nine (9) conditions:**

1. That a Building Permit be obtained for a new mobile home only after the Pennington County Environmental Planner has approved the applicant's proposal to either install a new On-Site Wastewater Treatment System or relocate the existing driveway;

2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or the appropriate Setback Variance be obtained;
3. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
4. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
5. That the property continue to be kept free of debris and junk vehicles and the truck, located on-site, be licensed or removed prior to issuance of a Building Permit, in accordance with Pennington County's Ordinance #106;
6. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;
7. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
8. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-24:** Founding Fathers, LLC / Don Perdue. To review a bell tower sign to be 50 feet tall with the total height of the letters to be 35 feet tall in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot A of SW1/4SW1/4; Lot A1 of Lot H2 of SW1/4SW1/4; Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the September 11, 2017, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 15-24 with the following seven (7) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That if any on-premise sign is to be illuminated, all lighting must be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operating of a motor vehicle;
3. That a Sign Permit be obtained for any sign on the subject property and must conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That all on-premise signs continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
5. That only on-premise advertising and public information be allowed on the bell tower sign, COSP15-0017, and no off-premise advertising be allowed unless otherwise permitted with Pennington County through approval of an approved Conditional Use Permit;
6. That the applicant signs a Statement of Understanding within seven (7) business days of approval of Conditional Use Permit / CU 15-24, which is available at the Planning Office; and,
7. That this Conditional Use Permit be reviewed in April 23, 2018, 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.**

8. **CONSTRUCTION PERMIT REVIEW / CP 16-12:** City of Rapid City. To review an open cut and bore installation of pvc pipe for water main extension for the City of Rapid City, north of Southside Drive to Morris Lane.

Section 19, T1N, R9E and Sections 24 and 25, T1N, R8E, BHM, Pennington County, South Dakota.

**To end Construction Permit / CP 16-12 with the applicant's concurrence.**

**Vote: unanimous 7 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 16-07:** Ryan Nelsen. To review an

existing accessory structure, a pole barn, to remain on the subject property prior to a principle structure in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot AR-1 of Lot 2 Revised, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota

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

**To end Conditional Use Permit / CU 16-27.**

**Vote: unanimous 7 to 0.**

## **END OF CONSENT CALENDAR**

7. CONDITIONAL USE PERMIT REVIEW / CU 16-27: Gene and Carllen Van Der Wert; Collin Goodwin – Agent (Thrive Properties, LLC). 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 K, Brechtel #1 Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota

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

Waisath reviewed the applicant's Conditional Use Permit to allow the single-family residence to be used as a Vacation Home Rental in a Low Density Residential District.

Staff recommended to end Conditional Use Permit / CU 16-27, as the Conditions of Approval are not being met. If the Planning Commission chooses to approve the extension of Conditional Use Permit / CU 16-27, staff recommended the following fifteen (15) conditions be included:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;

3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant 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, upon request;
5. That the applicant continue 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;
6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt, and maintained in a dust-free manner;
7. That an interior informational sign or signs continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and contact numbers for both the Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address be posted on the residence at all times and so that it is clearly visible from Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed, or their contact information changed, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

14. That the applicant pay the \$100 review fee per Pennington County Zoning Ordinance Section 511-F-3 within seven (7) business days of the extension of Conditional Use Permit / CU 16-27; and,
15. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Litzen to approve of Conditional Use Permit / CU 16-27 with fifteen (15) conditions.

Commissioner Marsh recommended adding a condition to state: “That the agent submits a new and updated “Local Contact Information” from the Vacation Home Rental Checklist Form and this updated information / form shall be provided to the Planning Department by Friday, October 13, 2017.”

**SUBSTITUTE MOTION: Moved by Johnson and seconded Litzen to approve of the extension of Conditional Use Permit / CU 16-27 with the following sixteen (16) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people, per Pennington County Zoning Ordinance Section 319-F-13;**
- 2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. That the applicant 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, upon request;**
- 5. That the applicant continue 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;**
- 6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with**



each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt, and maintained in a dust-free manner;

7. That an interior informational sign or signs continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and contact numbers for both the Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address be posted on the residence at all times and so that it is clearly visible from Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That the agent submits an updated "Local Contact Information" from the Vacation Home Rental Checklist Form and this updated information / form shall be provided to the Planning Department by Friday, October 13, 2017;
11. That if the person designated as the Local Contact is ever changed, or their contact information changed, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant pay the \$100 review fee per Pennington County Zoning Ordinance Section 511-F-3 within seven (7) business days of the extension of Conditional Use Permit / CU 16-27; and,
16. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

10. CONDITIONAL USE PERMIT / CU 17-36: Garrett and Katelyn Shields (Hinterwood, LLC). To allow a Recreational Resort to include the use of the existing Bed and Breakfast and to rent the lower portion of it and the addition of a maximum of 8 seasonal guest cabins on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance

Lot B of Government Lot 2 NW1/4NE1/4, Feldman Subdivision, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Recreational Resort to include the use of the existing Bed and Breakfast and to rent the lower portion of it and the addition of a maximum of 8 seasonal guest cabins on the subject property in a Limited Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 17-36 with the following twenty-four (24) conditions:

1. That the uses of the Conditional Use Permit be limited to eight (8) rental cabins, and the existing single-family residence to be used partially as the property owners' residence (2-bedroom unit) and partially as a rental unit (4-bedroom unit);
2. That upon approval of Conditional Use Permit / CU 17-36, the existing Conditional Use Permits on the subject property (CU 78-14 and CU 93-46) be ended, as they will no longer be necessary;
3. That an approved Building Permit be obtained for each cabin prior to construction and 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;
4. That prior to Building Permits being issued for the rental cabins, the applicants contact the County Fire Coordinator to discuss the proposed internal roadway system and any turnarounds that may be required to accommodate traffic and emergency vehicles;
5. That a Removal Permit be obtained prior to removing the single-wide mobile home from the subject property;
6. That the minimum required setbacks of a Limited Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the northern border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
7. That an address be assigned to each individual cabin upon submittal of a Building Permit and that each address be posted on the cabin, inside the cabin, and so they

are visible from the interior road way and Leaky Valley Road, in accordance with Pennington County's Ordinance #20;

8. That the address for the main house (24110 Leaky Valley Road) be posted on the residence and so that it is visible from Leaky Valley Road, in accordance to Pennington County's Ordinance #20;
9. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
10. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;
11. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior to renting any portion of the existing structures, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That the applicant maintains 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;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water, per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
16. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That a hard-wired smoke detector be placed in each sleeping room, with a minimum of at least one (1) hard-wired smoke detector per floor;

18. That portable fire extinguishers be placed on each floor level of each cabin and on each floor of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
19. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
20. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;
21. That the applicant is aware of and adheres to all Forest Service requirements;
22. That the applicant comply with SDCL 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
23. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-36, which is available at the Planning Office; and,
24. 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.

Discussion followed.

**Moved by LaCroix and seconded by McCollam to approve of Conditional Use Permit / CU 17-36 with the following twenty-three (23) conditions:**

- 1. That the uses of the Conditional Use Permit be limited to eight (8) rental cabins with a maximum of 2-bedrooms per cabin, and the existing single-family residence to be used partially as the property owners' residence (2-bedroom unit) and partially as a rental unit (4-bedroom unit);**
- 2. That upon approval of Conditional Use Permit / CU 17-36, the existing Conditional Use Permits on the subject property (CU 78-14 and CU 93-46) be ended, as they will no longer be necessary;**
- 3. That an approved Building Permit be obtained for each cabin prior to construction and 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;**
- 4. That prior to Building Permits being issued for the rental cabins, the applicants contact the County Fire Coordinator to discuss the proposed internal roadway system and any turnarounds that may be required to accommodate traffic and emergency vehicles;**

5. That a Removal Permit be obtained prior to removing the single-wide mobile home from the subject property;
6. That the minimum required setbacks of a Limited Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the northern border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
7. That an address be assigned to each individual cabin upon submittal of a Building Permit and that each address be posted on the cabin, inside the cabin, and so they are visible from the interior road way and Leaky Valley Road, in accordance with Pennington County's Ordinance #20;
8. That the address for the main house (24110 Leaky Valley Road) be posted on the residence and so that it is visible from Leaky Valley Road, in accordance to Pennington County's Ordinance #20;
9. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
10. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;
11. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior to renting any portion of the existing structures, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That the applicant maintains 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;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water, per Pennington

**County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;**

- 16. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;**
- 17. That a hard-wired smoke detector be placed in each sleeping room, with a minimum of at least one (1) hard-wired smoke detector per floor;**
- 18. That portable fire extinguishers be placed on each floor level of each cabin and on each floor of the single-family residence so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;**
- 19. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;**
- 20. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;**
- 21. That the applicant is aware of and adheres to all Forest Service requirements;**
- 22. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-36, which is available at the Planning Office; and,**
- 23. 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.**

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

11. LAYOUT PLAT / PL 17-30: Aanenson Four, LLC; Richard Huffman – Agent. To combine four lots to create Aanenson Lot A in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 18 and the W40' of Lot 19 in Big Bend Placer MS 1442; The W40' of Lot A of Lot 19 in Fort Meade Placer MS 244; Lot 17 Revised of Lot A of Big Bend Placer MS 1442; and Tract 0010 less Lot 1 of Rehwaldt Subdivision, all located in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Aanenson Lot A, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Layout Plat to combine four lots to create Aanenson Lot A.

Staff recommended approval of Layout Plat / PL 17-30 with the following fourteen (14) conditions:

1. That prior to new Plat submittal, the applicant obtain an approved Setback Variance for the existing fireplace/pizza oven;
2. That prior to new Plat submittal, an Operating Permit must be obtained for the existing on-site wastewater treatment system;
3. That prior to new Plat submittal, the applicant meet with the appropriate authority to develop a Hazardous Fuels Mitigation Plan and a Wildland Fire Suppression Plan, as requested by the County Fire Administrator;
4. That at the time of new Plat submittal, the Plat heading be corrected, in accordance with Register of Deeds comments, and the proposed lot be relabeled as Lot A of Aanenson Subdivision on the Plat, rather than Aanenson Lot A;
5. That at the time of new Plat submittal, the landowner or agent obtain Building Permits, with all applicable fees paid, for existing structures that have not yet been permitted;
6. 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;
7. That at the time on new Plat submittal, the Owner information identified on the Plat for the existing and surrounding lots be removed;
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 the address (23069 Thunderhead Falls Road) be properly posted on the existing residence so it is visible from Thunderhead Falls 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 lot, 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 17-30, 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 Johnson and seconded by McCollam to approve Layout Plat / PL 17-30 with the following fourteen (14) conditions:**

- 1. That prior to new Plat submittal, the applicant obtain an approved Setback Variance for the existing fireplace/pizza oven;**
- 2. That prior to new Plat submittal, an Operating Permit must be obtained for the existing on-site wastewater treatment system;**
- 3. That prior to new Plat submittal, the applicant meet with the appropriate authority to develop a Hazardous Fuels Mitigation Plan and a Wildland Fire Suppression Plan, as requested by the County Fire Administrator;**
- 4. That at the time of new Plat submittal, the Plat heading be corrected, in accordance with Register of Deeds comments, and the proposed lot be relabeled as Lot A of Aanenson Subdivision on the Plat, rather than Aanenson Lot A;**
- 5. That at the time of new Plat submittal, the landowner or agent obtain Building Permits, with all applicable fees paid, for existing structures that have not yet been permitted;**
- 6. 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;**
- 7. That at the time on new Plat submittal, the Owner information identified on the Plat for the existing and surrounding lots be removed;**
- 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 the address (23069 Thunderhead Falls Road) be properly posted on the existing residence so it is visible from Thunderhead Falls 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 lot, 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 17-30, 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.**

12. CONDITIONAL USE PERMIT / CU 17-37: Ken and Nancy Denke. To live in an existing camper while building a single-family residence or cabin on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Hidden Treasure Lode MS 607, Section 26, T1N, R4E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to live in an existing camper while building a single-family residence or cabin.

Staff recommends approval of Conditional Use Permit / CU 17-37 with the following eleven (11) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property during construction of the single-family residence or cabin; unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;

2. That an address be assigned for the property and clearly posted on the Recreational Vehicle (RV)/Camper while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence in accordance with Pennington County's Ordinance #20;
3. That prior to any Building Permits being approved on the subject property, the landowner bring the existing deck into compliance and obtain an approved Building Permit, with applicable fees;
4. That prior to the Recreational Vehicle (RV)/Camper being used as a temporary residence an approved means On-Site Wastewater Disposal be determined by the Pennington County Environmental Planning Supervisor or designee.
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 upon completion of the single-family residence or cabin on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property, unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
10. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-37, which is available at the Planning Office; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as 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 Litzen and seconded by Rivers to approve of Conditional Use Permit / CU 17-37 with the following eleven (11) conditions:**

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property during construction of the single-family residence or cabin; unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
2. That an address be assigned for the property and clearly posted on the Recreational Vehicle (RV)/Camper while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence in accordance with Pennington County's Ordinance #20;
3. That prior to any Building Permits being approved on the subject property, the landowner bring the existing deck into compliance and obtain an approved Building Permit, with applicable fees;
4. That prior to the Recreational Vehicle (RV)/Camper being used as a temporary residence an approved means On-Site Wastewater Disposal be determined by the Pennington County Environmental Planning Supervisor or designee.
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 upon completion of the single-family residence or cabin on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property, unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
10. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-37, which is available at the Planning Office; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as 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.**

13. LAYOUT PLAT / PL 17-29: Laredo Holdings, LLC; Ryan Kaski. To reconfigure lot lines to create Lots 9A, 9B, 12A, 12B, 13A, 13B, 17A, 17B, 18A, and 18B, Block 6, Sunset Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 9, 12, 13, 17, 18, Block 6, Sunset Ranch Subdivision, Section 33, T2N, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 9A, 9B, 12A, 12B, 13A, 13B, 17A, 17B, 18A, and 18B, Block 6, Sunset Ranch Subdivision, Section 33, T2N, R10E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat to reconfigure lot lines to create Lots 9A, 9B, 12A, 12B, 13A, 13B, 17A, 17B, 18A, and 18B, Block 6, Sunset Ranch Subdivision.

Staff recommended approval of Layout Plat / PL 17-29 with the following seventeen (17) conditions:

1. The prior to the Final Plat being recorded with the Register of Deeds, Planned Unit Development / PU 08-10 be amended to reflect the subdivision plats submitted to Pennington County and Box Elder;
2. That adequate water supply and pressure be shown for purposes of fire suppression (to be reviewed and approved by New Underwood Fire District or Fire Authority for the area) and/or Fire Protection Agreements, including Sprinkler Systems Suppression Systems be installed in all new residential structures;
3. That the current landowner provide any new landowner with a copy of the approved Fire Mitigation Plan for Sunset Ranch;
4. That prior to applying for a Building Permit, a Residential Sprinkler System design and Fire Mitigation Plan needs to be submitted to the Planning Department after review and approval by the County Fire Coordinator or jurisdictional entity; the system may need approval after installation;
5. That prior to submittal of a Preliminary Plat, the applicant make corrections to the Plat, per comments received by the Highway Department, Register of Deeds, Department of Equalization, and 9-1-1 Emergency Serviced;

6. That at the time of new Preliminary 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;
7. That at the time of new Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for all the proposed lots to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That at the time of new Preliminary 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 at the time of new Preliminary Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
11. That address be properly posted on any future residence(s) constructed on the proposed lots and are posted, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
13. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
14. 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;
15. That prior to Preliminary Plat submittal, the following note be added to the plat: *"All persons applying for a Pennington County Building Permit will need to provide an engineered septic system plan to be reviewed and approved by the Pennington County Environmental Planner. A reserve drainfield area will be shown when a Building Permit is applied for on any of the lots."*;
16. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-29. The SOU is available at the Planning Office; and,

17. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Litzen and seconded by Marsh to approve of Layout Plat / PL 17-29 with the following seventeen (17) conditions:**

1. **The prior to the Final Plat being recorded with the Register of Deeds, Planned Unit Development / PU 08-10 be amended to reflect the subdivision plats submitted to Pennington County and Box Elder;**
2. **That adequate water supply and pressure be shown for purposes of fire suppression (to be reviewed and approved by New Underwood Fire District or Fire Authority for the area) and/or Fire Protection Agreements, including Sprinkler Systems Suppression Systems be installed in all new residential structures;**
3. **That the current landowner provide any new landowner with a copy of the approved Fire Mitigation Plan for Sunset Ranch;**
4. **That prior to applying for a Building Permit, a Residential Sprinkler System design and Fire Mitigation Plan needs to be submitted to the Planning Department after review and approval by the County Fire Coordinator or jurisdictional entity; the system may need approval after installation;**
5. **That prior to submittal of a Preliminary Plat, the applicant make corrections to the Plat, per comments received by the Highway Department, Register of Deeds, Department of Equalization, and 9-1-1 Emergency Serviced;**
6. **That at the time of new Preliminary 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;**
7. **That at the time of new Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for all the proposed lots to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
8. **That at the time of new Preliminary 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 at the time of new Preliminary Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
11. That address be properly posted on any future residence(s) constructed on the proposed lots and are posted, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
13. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
14. 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;
15. That prior to Preliminary Plat submittal, the following note be added to the plat: "All persons applying for a Pennington County Building Permit will need to provide an engineered septic system plan to be reviewed and approved by the Pennington County Environmental Planner. A reserve drainfield area will be shown when a Building Permit is applied for on any of the lots.";
16. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-29. The SOU is available at the Planning Office; and,
17. 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.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their September 25, 2017, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

16. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for September 2017.
- B. Comprehensive Plan Meetings – Update. Conover spoke of the meetings that were held on Monday, September 25th at the Black Hills State University, Rapid City Campus (Rooms 124/126), in Rapid City; Wednesday, September 27th at the Hill City High School Theater, in Hill City; and Thursday, September 28th at the Wall Community Center, in Wall.
- C. Valley Heights Subdivision. Conover spoke of the public meeting held on Wednesday, October 4<sup>th</sup> from 6 p.m. to 7 p.m. to discuss concerns regarding water availability in this subdivision.
- D. Bradksy Road. Conover discussed the dead end road system of Bradsky Road.
- E. 2020 Census. Conover discussed the GIS Program and addressing.
- F. Section 204-G “Special Animal Keeping Regulations” Committee. Conover informed the Planning Commission that this Item is being advertised for volunteers to serve on the committee to review this section in the Zoning Ordinance. Any person can submit a Statement of Interest to the Pennington County Board of Commissioners by 4:00 p.m. on Friday, October 27, 2017. The committee members will be selected by the Board of Commissioners at their November 7, 2017, meeting.
- G. Section 204-G “Special Animal Keeping Regulations.” Michaele Hofmann, Deputy State’s Attorney, appeared and further discussed animals permitted under this section and Conditional Use Permit applications.

17. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh discussed Thrive Properties, VACO Vacation Home Rentals, and Pure Property Management.

18. ADJOURNMENT

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

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

**The meeting adjourned at 11:25 a.m.**

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Travis Lasseter, Chairperson