

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 23, 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: Brittney Molitor, Cassie Bolstad, PJ Conover, Amy Riddering, Frank Waisath, Michael Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE OCTOBER 9, 2017, MINUTES
Moved by Marsh and seconded by Rivers to approve the Minutes of the October 9, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Marsh to approve the Agenda of the October 23, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Marsh and seconded by McCollam to approve the Consent Calendar of the October 23, 2017, Planning Commission meeting with the removal of Items #5, #6, #8, and #15. 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 01-01:** Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The North 175 feet and the West 250 feet of Lot D, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

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

To approve of the extension of Conditional Use Permit / CU 01-01 with the following nineteen (19) conditions:

1. That the mobile home park continue to be limited to a total of twelve (12) mobile home lots, two (2) apartments, one (1) caretaker's residence, and one (1) manager's office;
2. That two (2) graveled parking spaces continue to be provided for each mobile home lot and four (4) additional parking space for guests continue to be located by the manager's office;
3. That, at a minimum, a No-Rise Certificate and Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated Special Flood Hazard Area;
4. That prior to the next scheduled review, the applicant remove the following from the property: the uninhabitable single-wide mobile home located to the west of the Managers Office that was being refurbished; the two (2) Recreational Vehicles located outside the Managers Office; and, the junk and debris located on the south-end of the subject property;
5. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the City of Rapid City;
6. That it be recommended that individual water meters be supplied for each new mobile home, or at the time of replacement of existing mobile homes;
7. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
8. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That the interior roads continue to be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and all roads continue to be maintained in a dust free manner;
10. That all structures continue to be located a minimum of ten (10) feet from interior access roads, within the mobile home park, and there be a minimum of twenty (20) feet between living units;
11. That the mobile home park continue to have a rear and side yard setback of not less than ten (10) feet;
12. That the mobile home park continue to have a Management Office and such service buildings as necessary, located on the property;

13. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
14. That the mobile home park has one (1) common address that shall continue to be posted on the management office and that each home in the park shall continue to be individually labeled with their own unit number. The unit numbers shall continue to be posted on the homes so that they are clearly visible from the main access road;
15. At such time the living units on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District;
16. That the applicant provide the pumping and inspection information for Lot 5, prior to December 31, 2017, so that the County can issue COBP15-0211;
17. That prior to the next review of CU 01-01, the applicant provide the Planning Department with copies of the Operating Permits, for the subject property, as provided by the City of Rapid City;
18. That the applicant sign a Statement of Understanding (SOU) within ten (10) business days of approval of Conditional Use Permit Review / CU 01-01. The SOU is available at the Planning Office; and,
19. That this Conditional Use Permit be reviewed in June 2019, on a complaint basis, or as directed by the Pennington County Board of Commissioners, and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-22:** Steve and Dorothy Wilkison. To review multiple RV sites to be used on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4 less DW Hansen Tract, less Tract Sires and less ROW, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

(Continued from the September 25, 2017, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 12-22 with the following fourteen (14) conditions:

1. That the family recreation vehicle park consists of a 40 foot by 100 foot pole barn and five (5) recreation vehicle sites;

2. That the recreational vehicle park continue to be limited to private use and is not to be used commercially;
3. That the lot address continue to be clearly posted on the property so it is visible from both directions along Mystic Road in accordance with Pennington County's Ordinance #20;
4. That use of the family recreational vehicle park continue to be limited to 180 days of the year;
5. That if the applicant intends to have any open fires or fire pits the appropriate permits must be obtained from South Dakota Forestry;
6. That the property continually remains free of debris and junk vehicles and structures be well-maintained;
7. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible at all times;
8. That a 25 foot setback be maintained for all structures located on the property or else an approved Setback Variance be obtained;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review of this Conditional Use Permit;
11. That no additional tent camping be allowed;
12. That upon sale or transfer of the property, if the property is transferred beyond the applicant's immediate family or a closely held corporation owned by the applicant's immediately family, the Conditional Use Permit is revoked, and this Conditional Use Permit is only for the purchasers, Steve and Dorothy Wilkison, and the Conditional Use Permit shall be revoked if it reverts back to the seller of the property (the original holder of the land);
13. That garbage storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution; and,

14. That this Conditional Use Permit be reviewed in three (3) years, as deemed necessary by the Planning Commission or the County Board of Commissioners, or on a complaint basis to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-25:** Alvin or Sharon Gullickson; Carson Goodwin & VACO Vacation Rentals – Agent. 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.

Tract 4, Annie Lode MS 1721, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-25 with the following fifteen (15) 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 twelve (12) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That if an addition is constructed or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually 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 applicants continually 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 three (3) 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 (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
8. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Carson Goodwin, 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 applicants continually adhere to requirements and restrictions set forth by the U.S. Forest Service; 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 or Board of Commissioners to verify that all Conditions of Approval are being met.

Note: unanimous 7 to 0.

9. **CONSTRUCTION PERMIT REVIEW / CP 15-18:** Dennis Zandstra Real Estate Holdings; Steve Zandstra. To review placing fill in an area south of the Project Area on the subject property; in conjunction with the Grading Plan for Elks Country Estates, Phase IV-VIII (City of Rapid City).

NW1/4 LESS N1/2N1/2NE1/4NW1/4; W1/2NE1/4 LESS N1/2N1/2NW1/4NE1/4; W1/2SW1/4 LESS ROW, Section 21, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit / CP 15-18 with the following six (6) conditions:

- 1. That the Conditions of Approval of the (South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
- 5. That the conditions of the Air Quality Permit be continually maintained;**
- 6. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

- 10. CONSTRUCTION PERMIT REVIEW / CP 16-11: Talley Construction, Inc. To review a stockpile rock site for future use.**

E1/2E1/2SW1/4SW1/4; SE1/4SW1/4NE1/4SW1/4; S1/2SE1/4NE1/4SW1/4; SE1/4SW1/4; SW1/4SW1/4NW1/4SE1/4; W1/2W1/2SW1/4SE1/4; GL 1; GL 2, Section 23, T1N, R3E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 16-11 with applicant's concurrence.

11. **CONSTRUCTION PERMIT / CP 17-10**: Site Work Specialist, Inc. To strip, excavate, and stockpile material for off-site use for South Valley Drive property.

Lot 3 of Lot B, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 17-10 with the following ten (10) conditions:

1. **That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;**
2. **That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
3. **That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
4. **That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
5. **That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
6. **That the applicant sign a Statement of Understanding within ten (10) days of Permit approval;**
7. **That a temporary address be assigned, in accordance with Pennington County's Ordinance #20;**
8. **That the applicant obtain a Road Haul Agreement from Pennington County Highway Department for Covington Street;**
9. **That the applicant obtains a Rapid City Air Quality Permit prior to commencement of construction activity; and,**
10. **That this Construction Permit be reviewed in one (1) year to ensure that all required permits have been obtained.**

Vote: unanimous 7 to 0.

12. **VACATION OF EASEMENT / VE 17-04:** Dana Rogers. To vacate an existing 66-foot-wide access easement and to add a 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.

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

To recommend approval of Vacation of Easement / VE 17-04 with the following three (3) conditions:

1. **That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deeds Office;**
2. **That all necessary exhibits and documents dedicating the 40-foot-wide access easement to Sunrise Fraction Lode M.S. 531 be recorded by the applicant simultaneously with the vacation of easement documents at the Register of Deeds Office; and,**
3. **That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 17-04, which is available at the Planning Office.**

Vote: unanimous 7 to 0.

13. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-04:** Voorhees Hospitality; Charles “Chuck” Voorhees. To review an existing Planned Unit Development to add five new cabins, a new residence, a new garage, a low water bridge, and a central pavilion on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Major Planned Unit Development Amendment / PUD 15-04 with the following twenty-five (25) conditions:

1. **That the uses allowed with this Planned Unit Development be an eight (8) site RV Park, a five (5) site tent camping area, six (6) attached cabins for rental purposes with restroom facilities, one (1) duplex with a residence and rental unit, one (1) single-family residence, one (1) garage, one (1) low water bridge, one (1) central pavilion, and six (6) detached rental cabins;**
2. **That twenty-five (25) foot setbacks be maintained along all exterior lot lines, or an appropriate Setback Variance be obtained;**

- 3. That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;**
- 4. That the interior one-way road shall continue to be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner;**
- 5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure(s) within the boundaries of the Special Flood Hazard Area;**
- 6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County's comments;**
- 7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;**
- 8. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;**
- 9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;**
- 10. That a minimum ten (10) foot separation be maintained at all times between each RV site;**
- 11. That the internal road network not exceed a maximum of an eight (8) percent grade;**
- 12. That each RV and tent site has a lot number clearly posted and Guests made aware of the complete address should they need to call 9-1-1;**
- 13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance, or separate variances waiving these requirements be obtained;**

14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environmental and Natural Resources and Health;
15. That all other conditions of approval of the original PUD (04-06) are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses;
16. That Operating Permits be obtained for all existing on-site wastewater treatment systems on the property;
17. That the applicant notify the Pennington County Environmental Planner of which on-site wastewater treatment system will be abandoned and provide an overall plan of the existing and proposed on-site wastewater treatment systems for review and approval by the Pennington County Environmental Planner and South Dakota Department of Environment and Natural Resources (SD DENR);
18. That the property address be posted so that it is visible from both directions of S. Highway 16, in accordance with Pennington County's Ordinance #20;
19. That each existing and new cabin be identified with a unique unit number that is posted on the exterior of the cabin, next to the main entrance door, using characters that are reflective and at least 4" in height by 3" wide. Guests at the cabin should be advised or given a card that lists the complete address in the event they need to call 9-1-1;
20. That the new residence have a separate physical address from the existing house, and the address number be posted on the new house in accordance with County Ordinance #20;
21. That an approved Construction Permit be obtained for any land disturbance greater than 10,000 square feet. Construction must meet all the requirements of the Pennington County Stormwater Quality Manual;
22. That the comments provided by the U.S. Forest Service be adhered to at all times;
23. That prior to installation of the low-water bridge, the applicant obtain the proper permits and approvals from all applicable agencies;
24. That no tent camping is allowed within the 100-year floodplain boundaries; and,
25. That this Planned Unit Development Amendment be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County

Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

- 14. MINOR PLAT / PL 17-32 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-11:** Tom or Stephanie Hill. To create Lots A and B of Lot 1 of Becher Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Becher Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Lot 1, Becher Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 17-11 to waive submittal of percolation test and soil profile hole information for proposed Lot A of Lot 1; and, to recommend approval of Minor Plat / PL 17-32 with the following ten (10) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the Ownership Certificate be corrected to state Stephanie J. Hill fka Stephanie J. Becher, per Register of Deeds and Department of Equalization comments;**
- 2. That prior to filing the Plat with the Register of Deeds, the number “2” under the References section be removed or an additional reference be noted after the number, per Register of Deeds comments;**
- 3. That prior to filing the Plat with the Register of Deeds, the access easement through proposed Lot A be labeled as Windsong Road, per Emergency Services (9-1-1) comments;**
- 4. That prior to filing the Plat with the Register of Deeds, the eight (8) foot minor drainage and utility easements along the northern boundary of proposed Lots A and B be relocated adjacent to the Section Line Right-of-Way. In addition, eight (8) foot minor drainage and utility easements must continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That upon filing the Plat with the Register of Deeds, the existing 40-foot-wide access easement (Misc. Book 51, Page 2857) remain;**
- 6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot A, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**

7. That at the time of new Plat submittal, the plat meets all requirements of Section 400.3 of the Pennington County Subdivision Regulations, or additional Subdivision Regulations Variances be obtained waiving any of these requirements that are not met;
8. That current and future addresses be properly posted in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-32 and Subdivision Regulations Variance / SV 17-11, which is available at the Planning Office.

Vote: unanimous 7 to 0.

16. **PLANNED UNIT DEVELOPMENT REVIEW / PU 08-01**: Clair Voshall. To review a Planned Unit Development to allow three existing mobile homes and outbuildings in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1, Voshall Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development / PUD 08-01 with the following nine (9) conditions:

1. That this Planned Unit Development allows for a 3.02 acre parcel with no more than three mobile homes and existing outbuildings;
2. That if, at any time, one of the mobile homes becomes uninhabitable, the property owner must remove it immediately;
3. That approval of this Planned Unit Development does not hold Pennington County liable for any damages and/or losses during the event of a flood;
4. That this Planned Unit Development be valid only for the current existing uses; any expansion or change that requires a Building Permit, the property must be rezoned;
5. That each mobile home be addressed and the addresses must be posted per Ordinance 20 Standards at both the road and driveway;
6. That a Floodplain Development Permit be obtained prior to the placement of any structure within the boundaries of the 100-year floodplain;
7. That the property remains free of debris and junk vehicles;

8. That a minimum of four (4) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, nor nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use; and,
9. That the Planned Unit Development be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington county planning Commission or Board of Commissioners to ensure all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

END OF CONSENT CALENDAR

5. CONDITIONAL USE PERMIT REVIEW / CU 15-25: Rushmore Shadows, LLC; Gene Addink – Agent. To review a Recreational Resort with the addition of 45 RV sites to the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

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

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 15-25 with seventeen (17) conditions.

Discussion followed.

Moved by Marsh and seconded by Litzen to approve of the extension of Conditional Use Permit / CU 15-25 with the following seventeen (17) conditions:

1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;

2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;
4. That no more than 50 tent sites be allowed;
5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
7. That each RV site be equipped with water and electric hook-ups;
8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
9. That a minimum 10-foot separation be provided between each RV site;
10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
13. That the Recreational Resort conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;

15. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
16. That Building Permits, and all applicable fees to be applied, are obtained for all cabins, park models, and structures (over 144 square feet and located on a permanent foundation) placed on the subject properties after February 2, 1994 within 30 days of approval of this Conditional Use Permit; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

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

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

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

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

Staff recommended approval of the extension of Conditional Use Permit / CU 16-05 with sixteen (16) conditions.

Discussion followed.

Moved by Johnson and seconded by Litzen to approve of the extension of Conditional Use Permit / CU 16-05 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 twenty (20) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That the applicant continue to provide a cell phone booster for the Vacation Home Rental to ensure that adequate cell phone service is available, in case of an emergency;

3. 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;
4. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That the applicant continually 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;
6. That the applicant continually 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;
7. That a minimum of five (5) 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;
8. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
9. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Barrel Springs Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Rochelle Lee, the interior informational sign be updated and the applicant re-notify the Planning Department 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 Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
15. 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; and,
16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT REVIEW / CU 16-31: Black Hills Raptor Center; Maggie Engler - Agent. To review a bird education and health facility on a portion of the subject property located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT NW1/4SE1/4 less RTY, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

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

Staff had originally recommended approval of the extension of Conditional Use Permit / CU 16-31 with fourteen (14) conditions, but are now recommending to continue the review of Conditional Use Permit / CU 16-31 to the December 4, 2017, Planning Commission meeting to allow staff time to meet with representatives of the Black Hills Raptor Center.

Discussion followed.

Moved by Marsh and seconded by Rivers to continue the review of Conditional Use Permit / CU 16-31 to the December 4, 2017, Planning Commission meeting to allow staff time to meet with representatives of the Black Hills Raptor Center.

All voting aye, the Motion carried 7 to 0.

15. MINOR PLAT / PL 17-34: Chase and Loni Phillips; D.C. Scott Surveyors – Agent. To combine three lots to create Lots 1 and 2 of Wicksville Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

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

Staff had originally recommended approval of Minor Plat / PL 17-34 with twelve (12) conditions, but are now recommending approval of Minor Plat / PL 17-34 with the following ten (10) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Wicksville Addition obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time the Plat is recorded with the Register of Deeds, the eight (8) foot minor drainage and utility easements continue be dedicated on the interior sides of all lot lines up through, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time the Plat is recorded with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to filing the Plat with the Register of Deeds, notes be included on that Plat to identify the old Lot lines for Lots A, B, and C;
5. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That address be properly posted on the existing residences and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from Highway 1416, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all Access, Utility, and Drainage Easements be added to the Plat as necessary;

9. Any on-site wastewater treatment system(s) will be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-34, which is available at the Planning Office.

Discussion followed.

Moved by Litzen and seconded by Johnson to approve of Minor Plat / PL 17-34 with the following ten (10) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Wicksville Addition obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. That at the time the Plat is recorded with the Register of Deeds, the eight (8) foot minor drainage and utility easements continue be dedicated on the interior sides of all lot lines up through, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That at the time the Plat is recorded with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That prior to filing the Plat with the Register of Deeds, notes be included on that Plat to identify the old Lot lines for Lots A, B, and C;**
- 5. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 7. That address be properly posted on the existing residences and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from Highway 1416, in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all Access, Utility, and Drainage Easements be added to the Plat as necessary;**

9. Any on-site wastewater treatment system(s) will be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-34, which is available at the Planning Office.

All voting aye, the Motion carried 7 to 0.

17. LAYOUT PLAT / PL 17-31: Perry and Vicki Van Newkirk. To combine two lots to create Lot 47 Revised of Burns Placer MS 697 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 47 and Lot 48 (includes 48A), Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 47 Revised, Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Waisath reviewed the Staff Report indicating the applicants have applied for a Layout Plat to combine two lots to create Lot 47 Revised of Burns Placer MS 697.

Staff recommended approval of Layout Plat / PL 17-31 with the following with the following fourteen (14) conditions:

1. That the existing address (12283 Deerfield Road) be properly posted on the existing residence so it is visible from Deerfield Road, in accordance with Pennington County's Ordinance #20;
2. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
3. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;
4. That the limits of the 100-year Floodplain be shown on the plat in accordance with current FEMA maps;
5. That the applicant use the existing access for the subject property as no additional approaches will be allowed onto Deerfield Road;
6. That the applicant adhere to the comments submitted by the U.S. Forest Service;
7. That at the time of Minor Plat submittal, the mylar Plat be prepared by a Registered and/or Licensed Professional Engineer or Surveyor;

8. 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;
9. That at the time of Minor Plat submittal, the plat meets 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;
10. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
11. That the proposed legal description be changed in accordance with the Register of Deeds comments, prior to the submittal of the Minor Plat;
12. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-31, 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 McCollam and seconded by Marsh to approve of Layout Plat / PL 17-31 with the following fourteen (14) conditions:

- 1. That the existing address (12283 Deerfield Road) be properly posted on the existing residence so it is visible from Deerfield Road, in accordance with Pennington County's Ordinance #20;**
- 2. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 3. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;**
- 4. That the limits of the 100-year Floodplain be shown on the plat in accordance with current FEMA maps;**

5. That the applicant use the existing access for the subject property as no additional approaches will be allowed onto Deerfield Road;
6. That the applicant adhere to the comments submitted by the U.S. Forest Service;
7. That at the time of Minor Plat submittal, the mylar Plat be prepared by a Registered and/or Licensed Professional Engineer or Surveyor;
8. 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;
9. That at the time of Minor Plat submittal, the plat meets 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;
10. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
11. That the proposed legal description be changed in accordance with the Register of Deeds comments, prior to the submittal of the Minor Plat;
12. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-31, 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.

18. CONDITIONAL USE PERMIT / CU 17-38: Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent. To allow for a multi-family dwelling 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.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a multi-family dwelling on the subject property.

Staff recommended approval of Conditional Use Permit / CU 17-38 with the following eight (8) conditions:

1. That a minimum of four (4) off-street parking spaces 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 be kept free of debris and junk vehicles;
3. That the residence and the addresses of each unit be properly posted so they are visible from Highway 385 in accordance with Pennington County Ordinance #20;
4. That smoke alarms and fire extinguishers be installed and/or properly maintained in working order in each unit;
5. That a Floodplain Development Permit is obtained prior to any disturbance in the Special Flood Hazard Area;
6. That the onsite wastewater treatment system is approved by the South Dakota Department of Environment and Natural Resources for a multi-family dwelling within 30 days of approval of this request;
7. That a Building Permit be obtained for any structures over 144 square feet or placed on a permanent foundation on the property, which requires a site plan to be reviewed and approved by the Planning Director; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Discussion followed.

Moved by McCollam and seconded by Marsh to approve of Conditional Use Permit / CU 17-38 with eight (8) conditions.

Discussion further followed to add another condition to the Conditions of Approval.

SUBSTITUTE MOTION: Moved by McCollam and seconded by Marsh to approve of Conditional Use Permit / CU 17-38 with the following nine (9) conditions:

1. That a minimum of four (4) off-street parking spaces 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 be kept free of debris and junk vehicles;
3. That the residence and the addresses of each unit be properly posted so they are visible from Highway 385 in accordance with Pennington County Ordinance #20;
4. That smoke alarms and fire extinguishers be installed and/or properly maintained in working order in each unit;
5. That a Floodplain Development Permit is obtained prior to any disturbance in the Special Flood Hazard Area;
6. That the onsite wastewater treatment system is approved by the South Dakota Department of Environment and Natural Resources for a multi-family dwelling within 30 days of approval of this request;
7. That a Building Permit be obtained for any structures over 144 square feet or placed on a permanent foundation on the property, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the Conditions of Approval for Conditional Use Permit / CU 17-30 be followed at all times; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

All voting aye, the Motion carried 7 to 0.

19. LAYOUT PLAT / PL 17-35: Tom and Ann Slaughter. To reconfigure lots lines in order to create Tracts 30 Revised-A, Tract 32 Revised-A, and Tract 40 Revised-A of Rushmore Ranch Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 30 Revised, Tract 32 Revised, Tract 39, and Tract 40 Revised, Rushmore Ranch Estates Subdivision, located in Sections 7 and 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 30 Revised-A, Tract 32 Revised-A, and Tract 40 Revised-A of Rushmore Ranch Estates Subdivision, located in Sections 7 and 8, T2S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to reconfigure lots lines in order to create Tracts 30 Revised-A, Tract 32 Revised-A, and Tract 40 Revised-A of Rushmore Ranch Estates Subdivision with the following fourteen (14) conditions:

1. That prior to a Minor Plat submittal, the existing garage on existing Tract 30-Revised be shown to be in compliance with County Ordinances or the proper permits be obtained to allow the existing garage to remain in its current location;
2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the new proposed plat reflect the changes as recommended per Register of Deeds and County Highway comments;
4. That prior to recording the Plat with the Register of Deeds, the Planned Unit Development be amended to reflect the changes;
5. That at the time of Minor Plat submittal the new proposed plat continue to show the “20’ Access & Water Line Esmt” to the Water Tank Tract;
6. That at the time of Minor Plat submittal the new proposed plat continue to show the “66’ Wide USFS Access Esmt”;
7. That at the time of a Minor Plat submittal the North/South dotted line located within proposed Tract 30 REV-A be identified or removed;
8. That at the time of a Minor Plat submittal, the old lot lines for the existing Tracts be labeled;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;
11. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
12. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

13. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-35. The SOU is available at the Planning Office; and,
14. That approval of this Layout Plat does not constitute approval of any further applications or permits.

Discussion followed.

Moved by Marsh and seconded Litzen to approve of Layout Plat / PL 17-35 with fourteen (14) conditions.

Staff noted a change in the language in Condition #1 from Tract 30-Revised to Tract 32-Revised.

SUBSTITUTE MOTION: Moved by Marsh and seconded Litzen to approve of Layout Plat / PL 17-35 with the following fourteen (14) conditions:

- 1. That prior to a Minor Plat submittal, the existing garage on existing Tract 32-Revised be shown to be in compliance with County Ordinances or the proper permits be obtained to allow the existing garage to remain in its current location;**
- 2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That at the time of Minor Plat submittal, the new proposed plat reflect the changes as recommended per Register of Deeds and County Highway comments;**
- 4. That prior to recording the Plat with the Register of Deeds, the Planned Unit Development be amended to reflect the changes;**
- 5. That at the time of Minor Plat submittal the new proposed plat continue to show the “20’ Access & Water Line Esmt” to the Water Tank Tract;**
- 6. That at the time of Minor Plat submittal the new proposed plat continue to show the “66’ Wide USFS Access Esmt”;**
- 7. That at the time of a Minor Plat submittal the North/South dotted line located within proposed Tract 30 REV-A be identified or removed;**
- 8. That at the time of a Minor Plat submittal, the old lot lines for the existing Tracts be labeled;**

9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
11. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
12. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
13. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-35. The SOU is available at the Planning Office; and,
14. That approval of this Layout Plat does not constitute approval of any further applications or permits.

All voting aye, the Motion carried 7 to 0.

20. CONDITIONAL USE PERMIT AMENDMENT / CU 04-35: Chris Peterson. To amend an existing Conditional Use Permit to allow for 13 storage units in lieu of the approved 10 storage units and to allow them to be larger than the approved 30 foot x 150 foot, to allow a single-family residence to be used as the caretaker's residence for the storage units; and to allow an office/shop building in a General Commercial District in accordance with Sections 209-C and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit Amendment to amend the existing Conditional Use Permit to allow for 13 storage units in lieu of the approved 10 storage units and to allow them to be larger than the approved 30 foot x 150 foot, to allow a single-family residence to be used as the caretaker's residence for the storage units; and to allow an office/shop building in a General Commercial District.

Staff recommended approval of Conditional Use Permit Amendment / CU 04-35 with the following nineteen (19) conditions:

1. That setbacks be in accordance with Section 209 of the Pennington County Zoning Ordinance or approved Variance(s) be obtained
2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent

notify the surrounding property owners in accordance with Section 510 of the Pennington County Zoning Ordinance;

3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director and additional Staff as deemed necessary by the Planning Director and the Building Permit shall be forwarded to the County Fire Administrator for review;
4. That a minimum of eight (8) parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That ten (10) storage units (each not to exceed 7,500-square feet in area), an office/shop building, and a single-family residence to be used as a caretaker's residence by a caretaker who is directly engaged in the day-today operation of the storage unit business, be allowed on the subject property with approved Building Permits. Additional non-storage unit structures may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;
6. That the addition of more storage units, a maximum of three (3), be allowed after the initial 10 storage units are built, and after a review and approval of CU 04-35 by the Planning Commission or Board of Commissioners;
7. That the office/shop building and the caretaker's residence are assigned separate addresses for the subject property, and be posted and clearly visible and maintained in accordance with Pennington County Ordinance #20;
8. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
9. That no more than two (2) on-premise signs shall be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance, with an approved Sign Permit;
10. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by the County Highway Department and Planning Department;
11. That prior to any Building Permit being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approaches for commercial use, including any and all improvements necessary;

12. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner's phone number, which must be clearly visible at the entrance of the lot;
13. That the applicant meet with the County Addressing Coordinator prior to applying for the Building Permit for the proposed single-family residence to discuss the naming of the existing Section Line road;
14. That prior to any construction within the existing Section Line(s), the applicant meet with Planning Staff to discuss the improvements and additional permits that may be required;
15. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
16. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
17. That any junk or debris currently located on the subject property be removed prior to the issuance of a Building Permit, and the property continually remains free of junk and debris;
18. That the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department; and,
19. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

Discussion followed.

Moved by Johnson and seconded by McCollam to approve of Conditional Use Permit Amendment / CU 04-35, with changes in Conditions #9 and #19, with the following nineteen (19) conditions:

- 1. That setbacks be in accordance with Section 209 of the Pennington County Zoning Ordinance or approved Variance(s) be obtained**
- 2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with Section 510 of the Pennington County Zoning Ordinance;**
- 3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site**

plan to be reviewed and approved by the Planning Director and additional Staff as deemed necessary by the Planning Director and the Building Permit shall be forwarded to the County Fire Administrator for review;

- 4. That a minimum of eight (8) parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 5. That ten (10) storage units (each not to exceed 7,500-square feet in area), an office/shop building, and a single-family residence to be used as a caretaker's residence by a caretaker who is directly engaged in the day-today operation of the storage unit business, be allowed on the subject property with approved Building Permits. Additional non-storage unit structures may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;**
- 6. That the addition of more storage units, a maximum of three (3), be allowed after the initial 10 storage units are built, and after a review and approval of CU 04-35 by the Planning Commission or Board of Commissioners;**
- 7. That the office/shop building and the caretaker's residence are assigned separate addresses for the subject property, and be posted and clearly visible and maintained in accordance with Pennington County Ordinance #20;**
- 8. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light away from all adjoining residences;**
- 9. That no more than one (1) on-premise sign shall be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance, with an approved Sign Permit;**
- 10. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by the County Highway Department and Planning Department;**
- 11. That prior to any Building Permit being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approaches for commercial use, including any and all improvements necessary;**
- 12. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner's phone number, which must be clearly visible at the entrance of the lot;**

13. That the applicant meet with the County Addressing Coordinator prior to applying for the Building Permit for the proposed single-family residence to discuss the naming of the existing Section Line road;
14. That prior to any construction within the existing Section Line(s), the applicant meet with Planning Staff to discuss the improvements and additional permits that may be required;
15. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
16. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
17. That any junk or debris currently located on the subject property be removed prior to the issuance of a Building Permit, and the property continually remains free of junk and debris;
18. That the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department; and,
19. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

All voting aye, the Motion carried 7 to 0.

21. PLANNED UNIT DEVELOPMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review a Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot;

Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Conover stated the applicants have requested their Planned Unit Development / PU 16-03 be reviewed earlier than their review date of February 2018.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of the review of Planned Unit Development / PU 16-03 to the November 13, 2017, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their October 9, 2017, Planning Commission meeting, with the exception of Conditional Use Permit 17-36 (Garrett and Katelyn Shields). This Item was Appealed and will be heard at the November 7th Board of Commissioner's meeting.

23. ITEMS FROM THE PUBLIC

There were no motions or actions taken at this time.

24. ITEMS FROM THE STAFF

- A. Section 204-G "Special Animal Keeping Regulations" Committee. Conover stated the deadline to submit Letters of Interest is Friday, October 27th at 4 p.m.
- B. Section 507 "Construction Permits and Mining Permits." Conover stated that Staff has been working on updating this section in the Zoning Ordinance.
- C. Staff Evaluations. Conover spoke of Staff Evaluations and that they will be completed within the department in the next few weeks.
- D. Department Head Evaluations. Conover spoke of Department Head Evaluations and his evaluation will be mid-November.

25. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of Conditional Use Permits and the Appeal process.

26. ADJOURNMENT

Moved by Marsh and seconded by Litzen to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:35 a.m.

Travis Lasseter, Chairperson