

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**November 13, 2017 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lassetter, Lori Litzen, Rich Marsh, Kathryn Johnson, Sonny Rivers, and Mark DiSanto.

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 23, 2017, MINUTES  
**Moved by Johnson and seconded by Litzen to approve the Minutes of the October 23, 2017, Planning Commission meeting. Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by DiSanto and seconded by Marsh to approve the Agenda of the November 13, 2017, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Rivers and seconded by Marsh to approve the Consent Calendar of the November 13, 2017, Planning Commission meeting with the removal of Item #9. Vote: unanimous 6 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 84-48:** Monique Newcomb / Tammy Murner. To review a mobile home in a Suburban Residential District in accordance with Sections 208-C and 510 of the Pennington County Zoning Ordinance.

Lot 9, Block 1, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 84-48 with the owner's concurrence.**

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 96-27:** Gabrielle Miller. To review a single-wide mobile home in a Suburban Residential District in accordance with Sections 208-C and 510 of the Pennington County Zoning Ordinance.

Lot 9, Block 2, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 96-27 with the owner's concurrence.**

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 11-25:** Jeff or Karyn Storm. To review an on premise occupation (remanufacturing of ammunition) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Block 2, Winton Subdivision, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 11-25 with the following eight (8) 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 applicant continues to adhere to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;**
3. **That the business be conducted by members of the family residing on the premises;**
4. **That all aspects of the business continue to be conducted entirely within an enclosed structure and no stock in-trade shall be displayed outside the enclosed structure;**
5. **That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the business so as to not constitute a nuisance to the general public;**
6. **That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;**
7. **That the address for the property continues to be properly posted in accordance with Pennington County's Ordinance #20; and,**

8. That this Conditional Use Permit be reviewed on a complaint basis or so deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 14-25:** Jeff DeVeny. To review two storage units to be located on the subject property in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 14-25 with the following twelve (12) 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 a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to 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;
3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50' x 100' and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;
4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;

7. That an approved Sign Permit be obtained for the existing on-premise sign within seven (7) business days of the approval of the extension of Conditional Use Permit / CU 14-25;
8. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
9. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
10. 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;
11. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,
12. That this Conditional Use Permit be reviewed in two (2) 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 6 to 0.**

7. **MINOR PLAT / PL 17-39 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-12:** Bradley and Gloria Groth; Howe Land Surveying. To reconfigure lot lines in order to create Lot 2R and Lot 3R of Harrington Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 and Lot 3, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R and Lot 3R, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

**To recommend approval of Subdivision Regulations Variance / SV 17-12 to waive submittal of percolation tests and soil profile hole information and dedication of Milo Lane as a 66-foot-wide Right-of-Way; and, approval of Minor Plat / PL 17-39 with the following ten (10) conditions:**

1. That prior to filing the Plat with the Register of Deeds, eight (8) foot minor

drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

2. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information on the proposed lot and the unplatted balance, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, that Milo Lane is dedicated as a 66-foot-wide access easement or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to filing the Plat with the Register of Deeds, two lot dimensions are added on the line that runs down the center of Milo Lane (one between C1 and C2 and one between C4 and C5);
5. That prior to filing the Plat with the Register of Deeds, the eight-foot perimeter easement on the west side be inside the 33' Right-of-Way line and not the Section Line Right-of-Way so utilities are not within a future road;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That prior to filing the Plat with the Register of Deeds, 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; and,
10. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-39 and Subdivision Regulations Variance / SV 17-12, which is available at the Planning Office.

**Vote: unanimous 6 to 0.**

8. **MINOR PLAT / PL 17-40 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-13:** Laura Pankratz; Ken Nash – Agent. To create Lot 1 of Pankratz Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lot 1 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Subdivision Regulations Variance / SV 17-13 to waive submittal of percolation tests and soil profile hole information and submittal of topographic contours at 5-foot intervals; and approval of Minor Plat / PL 17-40 with the following eight (8) conditions:**

- 1. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information on the proposed lot and the unplatted balance, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That upon filing the Plat with the Register of Deeds, the indicated “66’ Access Easement” continue to appear on the Plat;**
- 4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 5. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;**
- 6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 7. That upon filing the Plat with the Register of Deeds, 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; and,**
- 8. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-40 and Subdivision Regulations Variance / SV 17-13, which is available at the Planning Office.**

**Vote: unanimous 6 to 0.**

11. **REZONE / RZ 17-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-09:** Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To rezone 21.39 acres from Limited Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Suburban Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Subdivision Regulations.

Balance of Lot 1 of NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

**To recommend to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the November 27, 2017, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

#### **END OF CONSENT CALENDAR**

9. **REZONE / RZ 17-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-08:** Carol Marso; D.C. Scott Surveyors – Agent. To rezone 17.09 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Subdivision Regulations.

S1/2 of SE1/4 of SW1/4 Less Lot 1 of Maewest Subdivision; C A Anderson Tract in SE1/4SW1/4, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

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

Bolstad reviewed that the applicant has applied to rezone 17.09 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Low Density Residential District.

Staff recommended approval of Rezone / RZ 17-09 and approval of Comprehensive Plan Amendment / CA 17-08.

Discussion followed.

**Moved by Marsh and seconded by Litzen to approve of Rezone / RZ 17-09 and approval of Comprehensive Plan Amendment / CA 17-08.**

**All voting aye, the Motion carried 6 to 0.**

12. LAYOUT PLAT / PL 17-38: Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To create Lots A, B, C, and D of Johnson Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to create Lots A, B, C, and D of Johnson Estates Subdivision.

Staff recommended to continue Layout Plat / PL-38 to the November 27, 2017, Planning Commission meeting in order for the applicant to obtain approved Operating Permits for the existing on-site wastewater treatment systems.

**Moved by Litzen and seconded by Marsh to continue Layout Plat / PL 17-38 to the November 27, 2017, Planning Commission meeting in order for the applicant to obtain approved Operating Permits for the existing on-site wastewater treatment systems.**

**All voting aye, the Motion carried 6 to 0.**

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

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

(Continued from the August 28, 2017, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow the multi-family residence to be used as a Vacation Home Rental in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 17-30 with the following eighteen (18) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people (total includes both units) and the maximum daytime



occupancy be limited to sixteen (16) people (total includes both units), per Pennington County Zoning Ordinance Section 319-F-13;

2. That the multi-family dwelling is rented as one Vacation Home Rental to one family at a time and is not occupied by the property owner at the time of rental, and if both units are to be utilized as separate Vacation Home Rentals, an additional Conditional Use Permit is obtained so each separate unit has a Conditional Use Permit for a Vacation Home Rental;
3. That the applicant provide a cell phone booster for the Vacation Home Rental to ensure that adequate cell phone service is available, in case of an emergency;
4. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit and Conditional Use Permit / CU 17-38 be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
6. 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;
7. 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;
8. That a minimum of four (4) 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;
9. 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;
10. That the lot address be posted for each unit on the multi-family residence at all times, at the split in the driveway, and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;

11. 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;
12. That if the person designated as the Local Contact is ever changed from Charles Johnson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
15. 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;
16. 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;
17. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-30; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Litzen and seconded by DiSanto to approve of Conditional Use Permit / CU 17-30 with the following eighteen (18) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people (total includes both units) and the maximum daytime occupancy be limited to sixteen (16) people (total includes both units), per Pennington County Zoning Ordinance Section 319-F-13;**
- 2. That the multi-family dwelling is rented as one Vacation Home Rental to one family at a time and is not occupied by the property owner at the time of rental, and if both units are to be utilized as separate Vacation Home**

**Rentals, an additional Conditional Use Permit is obtained so each separate unit has a Conditional Use Permit for a Vacation Home Rental;**

- 3. That the applicant provide a cell phone booster for the Vacation Home Rental to ensure that adequate cell phone service is available, in case of an emergency;**
- 4. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit and Conditional Use Permit / CU 17-38 be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 6. 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;**
- 7. 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;**
- 8. That a minimum of four (4) 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;**
- 9. 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;**
- 10. That the lot address be posted for each unit on the multi-family residence at all times, at the split in the driveway, and at the entrance from Highway 385, in accordance with Pennington County's Ordinance #20;**
- 11. 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;**

12. That if the person designated as the Local Contact is ever changed from Charles Johnson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
15. 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;
16. 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;
17. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-30; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

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

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

(Continued from the August 28, 2017, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating this is a review of the applicant's Conditional Use Permit to allow a Vacation Home Rental in a Suburban Residential District.

Staff recommended approval of the extension of Conditional Use Permit / CU 12-27 with the following ten (10) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Section 319-F-13 of the Pennington County Zoning Ordinance;
2. That if the person designated as the Local Contact is ever changed from Todd Dressler, the interior informational sign be updated and the applicant notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
3. 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;
4. That an interior informational sign 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;
5. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
6. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
7. That the applicant continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
8. That the applicant continually maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
9. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
10. That this Conditional Use Permit is 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.

Discussion followed.

**Moved by DiSanto and seconded by Marsh to approve of the extension of Conditional Use Permit / CU 12-27 with the following ten (10) conditions:**

- 1. That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Section 319-F-13 of the Pennington County Zoning Ordinance;**
- 2. That if the person designated as the Local Contact is ever changed from Todd Dressler, the interior informational sign be updated and the applicant notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;**
- 3. 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;**
- 4. That an interior informational sign 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;**
- 5. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;**
- 6. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;**
- 7. That the applicant continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;**
- 8. That the applicant continually maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;**
- 9. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,**

10. **That this Conditional Use Permit is 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.**

**All voting aye, the Motion carried 6 to 0.**

15. LAYOUT PLAT / PL 17-36: JKRK Properties, LLC; Ryan Kaski. To reconfigure lot lines to create Lot 7R, Block 8, Sunset Ranch in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 7, Block 8, Sunset Ranch; and, GL 3; GL 4 Less Sunset Ranch and Less ROW; N1/2S1/2NW1/4, all located in Section 4, T1N, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 7R, Block 8, Sunset Ranch, Section 4, T1N, R10E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat / PL 17-36 to reconfigure lot lines to create Lot 7R, Block 8 of Sunset Ranch.

Staff recommended approval of Layout Plat / PL 17-36 with the following twelve (12) conditions:

1. That an approved Building Permit is obtained for the unpermitted structure located on the subject property, with Late Charges being assessed, prior to the submittal of a new Plat applications;
2. That at the time of new Plat submittal, the applicant make corrections to the Plat, per comments received by the Register of Deeds;
3. 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;
4. 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;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of a new 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;

7. That the address be properly posted on the residence constructed on the proposed lots 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 necessary drainage ways are properly noted on plats;
9. 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;
10. 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;"
11. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-36. The SOU is available at the Planning Office; and,
12. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Commissioner DiSanto left the meeting at 9:53 a.m.

**Moved by Litzen and seconded by Marsh to approve of Layout Plat / PL 17-36 with the following twelve (12) conditions:**

- 1. That an approved Building Permit is obtained for the unpermitted structure located on the subject property, with Late Charges being assessed, prior to the submittal of a new Plat applications;**
- 2. That at the time of new Plat submittal, the applicant make corrections to the Plat, per comments received by the Register of Deeds;**
- 3. 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;**



4. 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;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of a new 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;
7. That the address be properly posted on the residence constructed on the proposed lots 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 necessary drainage ways are properly noted on plats;
9. 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;
10. 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;"
11. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-36. The SOU is available at the Planning Office; and,
12. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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

16. LAYOUT PLAT / PL 17-37: JKRK Properties, LLC; Ryan Kaski. To reconfigure lot lines to create Lot 6R, Block 9, Sunset Ranch in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 and Lot 6, Block 9, Sunset Ranch; Section 5, T1N, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 6R, Block 9, Sunset Ranch; Section 5, T1N, R10E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat / PL 17-37 to reconfigure lot lines to create Lot 6R, Block 9 of Sunset Ranch.

Staff recommended approval of Layout Plat / PL 17-37 with the following eleven (11) conditions:

1. That at the time of new Plat submittal, the applicant make corrections to the Plat, per comments received by the Register of Deeds;
2. 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;
3. 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;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That at the time of a new Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
6. That the address be properly posted on all current and future residence(s) constructed on the proposed lots and are posted, in accordance with Pennington County's Ordinance #20;
7. 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;
8. 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;
9. That prior to a new 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;"

10. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-37. The SOU is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Johnson and seconded by Litzen to approve of Layout Plat / PL 17-37 with the following eleven (11) conditions:**

- 1. That at the time of new Plat submittal, the applicant make corrections to the Plat, per comments received by the Register of Deeds;**
- 2. 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;**
- 3. 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;**
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 5. That at the time of a new Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;**
- 6. That the address be properly posted on all current and future residence(s) constructed on the proposed lots and are posted, in accordance with Pennington County's Ordinance #20;**
- 7. 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;**
- 8. 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;**

9. **That prior to a new 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;”**
10. **That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-37. The SOU is available at the Planning Office; and,**
11. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

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

Commissioner DiSanto returned to the meeting at 9:57 a.m.

17. 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 this is a review of the applicant's 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.

Staff recommended approval of the extension of Planned Unit Development / PUD 16-03 with the following forty-three (43) conditions:

1. That the applicants sign a Statement of Understanding (SOU) within twenty (20) days of the approval of the extension of PU 16-03. The SOU is available at the Planning Department;
2. 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;
3. That the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] ensure the residential character of the property is maintained;
4. That daily and event operations of the specialty resort be conducted by owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the business sign (the one proposed, by the applicant, for placement on the brick wall by the applicant) which directs attention to the Inn shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign square feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
7. That prior to the placement of any on and off-premise signs, the applicant must obtain approval of a Sign Permit. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer prior to the issuance of a Sign Permit issued by the Planning Director;
8. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved

development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10-11-12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;

9. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20;
10. That the applicant maintain an 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;
11. That a minimum of 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45;
12. That the driveway in front of the Inn and up past the over-flow parking lot, have a 24-foot-wide driving surface and four (4) inches of gravel; the other two-way roads, within the PUD, have 16- to 18-foot-wide driving surfaces, with four (4) inches of gravel; and all one-way roads, have a 12-foot-wide driving surface, with four (4) inches of gravel. The responsible Street Authority shall meet or exceed roadway requirements, per State and County regulations;
13. That the intensity and duration of sound from any and all sources within PU 16-03 are in compliance with SDCL 22-18-35;
14. That quiet hours for Planned Unit Development / PU 16-03 are from 10:00 p.m. to 7:00 a.m.;
15. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
16. That the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
17. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;

18. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
19. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
20. That the applicants comply with South Dakota Codified Law 34-18;
21. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental(s);
22. That temporary port-a-potties only be placed on subject properties when needed, not to exceed ten (10) continuous months in any calendar year and that port-a-potties may be utilized by the guests of the events for wastewater disposal at a ratio of one port-a-potty per 50 guests. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
23. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development / PU 16-03;
24. That measures be taken by the landowners in PU 16-03 to allow parking along Summer Creek Road, in existing parking spaces, for Back-In vehicle parking only;
25. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;
26. That written approval from the Developer be obtained prior to issuance of permits;
27. That Lots 3, 4, 10, 11 and 12 of the specialty resort be a bed and breakfast (specialty resort) with up to 10 guest rooms, and events such as: weddings, receptions, corporate events, family reunions, bridal and baby showers, Christmas parties and other types of gatherings similar in nature, up to a maximum of 150 daily guests. The specialty resort would also be allowed to have: Beer and Wine sales (with proper permits), a bistro/Restaurant, gift shop, spa cabana/gazebo,

storage shed, permanent tent, kitchen, bathrooms and to also be used for a vacation home rental and private single-family residence;

28. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow of the following with approved permits: single-family dwelling, Vacation Home Rental; bed and breakfast, or specialty resort;
29. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, for use by friends and family of the PUD or for one (1) of the following with approved permits: single-family dwelling, vacation home rental, bed and breakfast, and specialty resort. The existing on-site wastewater treatment systems must comply with Section 204-J and obtain an Operating Permit prior to County Board approval;
30. That Lots 19 and 22 each allow for one (1) of the following with approved permits: single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
31. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, bed and breakfast, specialty resort, and easement (with property permits) for future underground holding tanks for designed and engineered water system;
32. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
33. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: specialty resort, bed and breakfast, single-family dwelling, and Vacation Home Rental;
34. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, specialty resort, bed and breakfast, single-family dwelling and Vacation Home Rental;
35. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
36. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
37. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;



38. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
39. That Lot 29 have a fifteen (15) foot front, rear and side yard setbacks;
40. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
41. That proposed Guest Houses, on specified lots, must comply with Section 318 of the Pennington County Zoning Ordinance;
42. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval; and,
43. That this Planned Unit Development be reviewed in one (1) year, or upon complaint of violation of applicable provisions of the Zoning Ordinance or PU 16-03, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

Discussion followed.

**Moved by Johnson and seconded by Litzen to approve of the extension of Planned Unit Development / PUD 16-03, with the removal of Conditions #14 and #24 and to add Condition #3, with the following forty-two (42) conditions:**

- 1. That the applicants sign a Statement of Understanding (SOU) within twenty (20) days of the approval of the extension of PU 16-03. The SOU is available at the Planning Department;**
- 2. 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;**
- 3. That the applicants apply for a Temporary Building Permit for the event tent, and the Temporary Building Permit for the event tent will be valid for a period not to exceed twelve (12) continuous months after approval. In addition, the Temporary Building Permit for the event tent will be reviewed for possible permanent permitting during the March 2018 review;**
- 4. That the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] ensure the residential character of the property is maintained;**

5. That daily and event operations of the specialty resort be conducted by owners, on-site manager, and staff as necessary;
6. That all natural drainage paths be continually maintained;
7. That the business sign (the one proposed, by the applicant, for placement on the brick wall by the applicant) which directs attention to the Inn shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign square feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
8. That prior to the placement of any on and off-premise signs, the applicant must obtain approval of a Sign Permit. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer prior to the issuance of a Sign Permit issued by the Planning Director;
9. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10-11-12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;
10. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20;
11. That the applicant maintain an 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;
12. That a minimum of 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45;
13. That the driveway in front of the Inn and up past the over-flow parking lot, have a 24-foot-wide driving surface and four (4) inches of gravel; the other

two-way roads, within the PUD, have 16- to 18-foot-wide driving surfaces, with four (4) inches of gravel; and all one-way roads, have a 12-foot-wide driving surface, with four (4) inches of gravel. The responsible Street Authority shall meet or exceed roadway requirements, per State and County regulations;

14. That the intensity and duration of sound from any and all sources within PU 16-03 are in compliance with SDCL 22-18-35;
15. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
16. That the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
17. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
18. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
19. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
20. That the applicants comply with South Dakota Codified Law 34-18;
21. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental(s);
22. That temporary port-a-potties only be placed on subject properties when needed, not to exceed ten (10) continuous months in any calendar year and that port-a-potties may be utilized by the guests of the events for wastewater disposal at a ratio of one port-a-potty per 50 guests. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
23. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this

property. Significant changes in the use or impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development / PU 16-03;

24. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;
25. That written approval from the Developer be obtained prior to issuance of permits;
26. That Lots 3, 4, 10, 11 and 12 of the specialty resort be a bed and breakfast (specialty resort) with up to 10 guest rooms, and events such as: weddings, receptions, corporate events, family reunions, bridal and baby showers, Christmas parties and other types of gatherings similar in nature, up to a maximum of 150 daily guests. The specialty resort would also be allowed to have: Beer and Wine sales (with proper permits), a bistro/Restaurant, gift shop, spa cabana/gazebo, storage shed, permanent tent, kitchen, bathrooms and to also be used for a vacation home rental and private single-family residence;
27. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow of the following with approved permits: single-family dwelling, Vacation Home Rental; bed and breakfast, or specialty resort;
28. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, for use by friends and family of the PUD or for one (1) of the following with approved permits: single-family dwelling, vacation home rental, bed and breakfast, and specialty resort. The existing on-site wastewater treatment systems must comply with Section 204-J and obtain an Operating Permit prior to County Board approval;
29. That Lots 19 and 22 each allow for one (1) of the following with approved permits: single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;
30. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, bed and breakfast, specialty resort, and easement (with property permits) for future underground holding tanks for designed and engineered water system;
31. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters

**living quarters within a detached accessory building, duplex, Vacation Home Rental, bed and breakfast, and specialty resort;**

- 32. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: specialty resort, bed and breakfast, single-family dwelling, and Vacation Home Rental;**
- 33. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, specialty resort, bed and breakfast, single-family dwelling and Vacation Home Rental;**
- 34. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;**
- 35. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;**
- 36. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;**
- 37. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;**
- 38. That Lot 29 have a fifteen (15) foot front, rear and side yard setbacks;**
- 39. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;**
- 40. That proposed Guest Houses, on specified lots, must comply with Section 318 of the Pennington County Zoning Ordinance;**
- 41. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval; and,**
- 42. That this Planned Unit Development be reviewed at the March 26, 2018, Planning Commission meeting or upon complaint of violation of applicable provisions of the Zoning Ordinance or PU 16-03, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.**

**All voting aye, the Motion carried 6 to 0.**

18. ROAD NAMING: Daniel and Karie Holloway. To name a 66-foot-wide private access easement providing access to the properties located in Lots 26-29 and Tract B of Copper Oaks #1, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

Waisath and Molitor reviewed that the applicants have applied to name a 66-foot-wide private access easement providing access to the properties located in Lots 26-29 and Tract B of Copper Oaks #1, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

Discussion followed.

**Moved by Litzen and seconded by Marsh to approve of the Road Naming of Reflection Ridge Road.**

**All voting aye, the Motion carried 6 to 0.**

**Moved by Marsh and seconded by Litzen to reconsider hearing Item #10 and remove it from the Consent Calendar.**

**All voting aye, the Motion carried 6 to 0.**

10. RECONSIDERATION OF CONDITIONAL USE PERMIT / CU 17-39: Colonial Pine Hills Sanitary District; Jim Martin – Agent. To allow for an office building on the subject property to serve the Colonial Pine Hills Sanitary District Administration in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1B, Block 1, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for an office building on the subject property to serve the Colonial Pine Hills Sanitary District Administration in a Suburban Residential District.

Staff recommended to continue Conditional Use Permit / CU 17-39 to the December 4, 2017, Planning Commission meeting.

Discussion followed.

Moved by DiSanto and seconded by Litzen to continue Conditional Use Permit / CU 17-39 to the November 27<sup>th</sup> Planning Commission meeting.

Discussion further followed.

Moved by Marsh to approve of Conditional Use Permit / CU 17-39.

Substitute Motion: Moved by Marsh and seconded by DiSanto to table Item #10 and hear it at the end of Agenda.

All voting aye, the Motion carried 6 to 0.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their October 23, 2017, Planning Commission meeting.

The Appeal of Conditional Use Permit 17-36 (Garrett and Katelyn Shields) was heard at the November 7<sup>th</sup> Board of Commissioner's meeting. The Board of Commissioner's upheld the Planning Commission's decision for approval, but to only allow 4 cabins instead of the 8 cabins as requested by the applicants.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

**Moved by Marsh and seconded by Litzen to rehear Item #10.**

**All voting aye, the Motion carried 6 to 0.**

10. RECONSIDERATION OF CONDITIONAL USE PERMIT / CU 17-39: Colonial Pine Hills Sanitary District; Jim Martin – Agent. To allow for an office building on the subject property to serve the Colonial Pine Hills Sanitary District Administration in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1B, Block 1, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

**Substitute Motion: Moved by Marsh and seconded by Litzen to hear the proposed Conditions of Approval for Conditional Use Permit / CU 17-39 and approval of Conditional Use Permit / CU 17-39 with the following nine (9) 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 applicant continues to adhere to all necessary County, State and Federal regulations, and maintains the necessary permits to conduct the business;**

3. That the structure shall only be used as an administration office for the Colonial Pine Hills Sanitary District;
4. That all aspects of the business continue to be conducted entirely within an enclosed structure and no stock in-trade shall be displayed outside the enclosed structure;
5. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the business so as to not constitute a nuisance to the general public;
6. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
7. That the address for the property be properly posted in accordance with Pennington County's Ordinance #20;
8. That the applicant vacate and relocate the reserve drainfield and record the document(s) with the Register of Deeds; and,
9. That this Conditional Use Permit be reviewed at December 18, 2017, Planning Commission meeting or so deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

21. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the October 2017 Building Permit Report.
- B. Section 204-G "Special Animal Keeping Regulations" Committee. Conover stated this item is being readvertised for volunteers to serve on the committee. Any person can submit a Statement of Interest to the Board of Commissioners by 4:00 p.m. on Wednesday, November 29, 2017. The committee members will be selected by the Board of Commissioners at their December 5, 2017, meeting.
- C. Holiday Luncheon. Conover informed the Planning Commission of the Planning Department's Holiday Luncheon on Monday, December 4<sup>th</sup> following the Planning Commission meeting.

22. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

23. ADJOURNMENT



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

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 11:54 a.m.**

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Travis Lasseter, Chairperson