

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**February 12, 2018 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Rich Marsh, Bill McCollam, Lori Litzen (Skype), Sonny Rivers, and Lloyd LaCroix.

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

ROLL CALL

1. APPROVAL OF THE JANUARY 22, 2018, MINUTES

**Moved by Johnson and seconded by Marsh to approve the Minutes of the January 22, 2018, Planning Commission meeting. Roll Call Vote: Marsh – aye, LaCroix – aye, Litzen – aye, Lasseter – aye, Johnson – aye, and McCollam, - aye. Roll Call Vote: unanimous 6 to 0.**

Commissioner Rivers appeared at 9:02 a.m.

2. APPROVAL OF AGENDA

**Moved by Marsh and seconded by LaCroix to approve the Agenda of the February 12, 2018, Planning Commission meeting. Roll Call Vote: Marsh – aye, LaCroix – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Roll Call Vote: unanimous 7 to 0.**

**Moved by McCollam and seconded by Marsh to approve the Consent Calendar of the February 12, 2018, Planning Commission meeting, with the removal of Items #4 and #10. Roll Call Vote: Marsh – aye, LaCroix – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Roll Call Vote: unanimous 7 to 0.**

**CONSENT AGENDA**

The following items have been placed on the Consent Agenda 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 Agenda, 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 03-27:** Dan and Patricia Dickey. To review a Bed and Breakfast in a Low Density Residential District in accordance with Section 207-C-1 and Section 510 of the Pennington County Zoning Ordinance.

Lot C (also in Section 7, T2S, R5E and Section 12, T2S, R4E) of Tin Mine Subdivision, Section 6, T2S, R5E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 03-27.**

**Vote: unanimous 7 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-01:** Eric and Amy Wagner. To review a gunsmithing business as a home occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Block 5, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 12-01 with the following eight (8) conditions:**

1. **That the business continue to be operated by members of the family residing on the premises and that the addition of another employee would require a review of this Conditional Use Permit and the specifications of the on-site wastewater treatment system to be reviewed and approved by DENR;**
2. **That the home occupation, including all associated storage, continue to be conducted entirely indoors;**
3. **That the home occupation continues to appear secondary to the primary, residential use of the property, and the residential character of the property be maintained;**
4. **That no on-premise retail sales be allowed;**
5. **That the applicant continually comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;**
6. **That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;**
7. **That any modification or expansion of the home occupation shall require the Conditional Use Permit to be amended; and,**
8. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

**Vote: unanimous 7 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-25:** Alvin and Sharon Gullickson. 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 (PCZO) § 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 PCZO § 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 PCZO § 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 PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, 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 one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-36:** Enola Gorham; Patrick Smith – Agent. To review two (2) duplex units on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7 less Lot H1, Stekl Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 16-36.**

**Vote: unanimous 7 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-44:** Alicen and Nicholas Dupont. To review a Vacation Home Rental on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lots 1 and 2 of Lots 7 and 8 (Replatted), Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-44 with the following sixteen (16) conditions:**

1. **That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
2. **That the applicants continue to provide a landline within the Vacation Home Rental in case of an emergency and list the phone number on the interior informational sign within the Vacation Home Rental;**
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 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;**
6. **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;**
7. **That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 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 PCZO § 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;**

9. That the lot address (23221 Black Forest Place) be posted on the residence at all times and at the driveway at the intersection of Black Forest Place and the driveway with the directional sign, and so that it is clearly visible from Black Forest Place, in accordance with Pennington County's Ordinance #20;
10. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, 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 sign(s), per PCZO § 312;
14. That this Conditional Use Permit automatically end, if Lots 1 and 2 of Lots 7 and 8 (Replatted), Clear Creek Placer MS 1184, are sold to separate owners; thus, losing their "Developmental Lot" status;
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.

**Vote: unanimous 7 to 0.**

9. **CONSTRUCTION PERMIT / CP 18-01:** R.C.S Construction, Inc. To install a 33-inch trunk sanitary sewer line from Southside Drive north along Reservoir Road.

Sections 22 and 23, all located in T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 18-01 with the following eleven (11) conditions:**

1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction

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

- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
- 5. That the disturbed areas be re-vegetated with weed free seed as required in §507(A)(5)(c);**
- 6. That during the period of construction, streets are not blocked and all homes are accessible by emergency vehicles;**
- 7. That a “Utility Installation or Excavation within Public Right-of-Ways Permit” be obtained from the Pennington County Highway Department;**
- 8. That the sewer stubs be extended as close as possible to the ROW line to avoid digging up the road when connections are made and that the asphalt be replaced at a uniform top surface of 20 feet;**
- 9. That the conditions and requirements set forth in Floodplain Development Permit / FP 17-39 are continually met;**
- 10. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,**
- 11. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

**Vote: unanimous 7 to 0.**

- 11. CONDITIONAL USE PERMIT / CU 17-49:** Carol Marso. To allow for two accessory structures prior to a principal structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

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.

(Continued from the January 22, 2018, Planning Commission meeting.)

**To approve of Conditional Use Permit / CU 17-49 with the following seven (7) conditions:**

- 1. That all lot addresses be posted so they are clearly visible from Mystic Road in accordance with Pennington County Ordinance #20;**
- 2. 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;**
- 3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;**
- 4. That the subject property remains free of debris and junk vehicles;**
- 5. That the accessory structures be used for personal use only and no commercial-type uses and not for living space;**
- 6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-49, which is available at the Planning Office; and,**
- 7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 7 to 0.**

**END OF CONSENT AGENDA**



4. CONDITIONAL USE PERMIT REVIEW / CU 10-04: Deep Creek Outfitters; Matt Eisenbraun – Agent. To review a home occupation, a gunsmithing business, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The NE1/4, S1/2NW1/4, and the SW1/4, Section 9, T4N, R16E, BHM, Pennington County, South Dakota.

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

Conover reviewed the Staff Report for Deep Creek Outfitters/Matt Eisenbraun, to allow a home occupation, a gunsmithing business, in a General Agriculture District.

Staff recommended approval of the extension of Conditional Use Permit / CU 10-04 with the following ten (10) conditions:

1. That a minimum of two (2) off-street parking spaces continue to be provided and that each parking space shall not be less than 162 square feet, nor less than 9 feet by 18 feet; surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
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 applicant continually maintains the residential/agricultural character of the property;
4. That the home occupation continue to be conducted by members of the family residing on the premises and no more than one (1) additional person;
5. That the applicant maintain any Federal and State Licenses and copies of those licenses be submitted to the Planning Office;
6. That a business sign, which directs attention to the home occupation, shall be allowed with an approved Sign Permit. Such sign shall not exceed four (4) square feet in area 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 if the applicant install plumbing in the shop, the septic system be approved by the South Dakota Department of Environment and Natural Resources;
8. That the address continue to be properly posted on both the residence and at the approach so it is visible in both directions from 213<sup>th</sup> Street in accordance with Pennington County's Ordinance #20;

9. That the applicant continually maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
10. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by either the Board of Commissioners or the Planning Commission to verify that all conditions of approval are being met.

Discussion followed.

**Moved by Rivers and Marsh to approve of the extension of Conditional Use Permit / CU 10-04 with the following ten (10) conditions:**

- 1. That a minimum of two (2) off-street parking spaces continue to be provided and that each parking space shall not be less than 162 square feet, nor less than 9 feet by 18 feet; surfaced with gravel, concrete or asphalt and maintained in a dust free manner;**
- 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 applicant continually maintains the residential/agricultural character of the property;**
- 4. That the home occupation continue to be conducted by members of the family residing on the premises and no more than one (1) additional person;**
- 5. That the applicant maintain any Federal and State Licenses and copies of those licenses be submitted to the Planning Office;**
- 6. That a business sign, which directs attention to the home occupation, shall be allowed with an approved Sign Permit. Such sign shall not exceed four (4) square feet in area 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 if the applicant install plumbing in the shop, the septic system be approved by the South Dakota Department of Environment and Natural Resources;**
- 8. That the address continue to be properly posted on both the residence and at the approach so it is visible in both directions from 213<sup>th</sup> Street in accordance with Pennington County's Ordinance #20;**
- 9. That the applicant continually maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;**

10. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by either the Board of Commissioners or the Planning Commission to verify that all conditions of approval are being met.**

**Roll Call Vote: Marsh – aye, LaCroix – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.**

10. CONDITIONAL USE PERMIT / CU 17-48: Alvin and Sharon Gullickson. To allow a Vacation Home Rental on the subject property in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the January 22, 2018, Planning Commission meeting.)

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

Conover reviewed the Staff Report for Alvin and Sharon Gullickson to allow a Vacation Home Rental on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 17-48 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people, per PCZO §319(F)(13);
2. That if 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 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 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 be provided on-site, per PCZO §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 be posted in accordance with the requirements of PCZO §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;
8. That the lot address 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 operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging (Julie, Marshall, or Chuck Mechaley), the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-48, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by LaCroix and seconded by Johnson to approve of Conditional Use Permit / CU 17-48, with a change in Condition #1, with the following fifteen (15) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per PCZO §319(F)(13);**
- 2. That if 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 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 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 be provided on-site, per PCZO §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 be posted in accordance with the requirements of PCZO §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;**
- 8. That the lot address 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 operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;**
- 10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging (Julie, Marshall, or Chuck Mechaley), the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;**

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-48, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Roll Call Vote: Marsh – aye, LaCroix – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.**

12. TELECOMMUNICATIONS FACILITY PERMIT / TC 18-01: Mobilitie, LLC; Ryan Streff – Agent. To allow for a 120 foot steel utility cell tower pole in a Public Right-of-Way in accordance with Section 316 of the Pennington County Zoning Ordinance.

Public Right-of-Way, Section 23, T2N, R11E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Telecommunications Facility Permit to allow a 120 foot steel utility cell tower pole in a Public Right-of-Way.

Staff recommended to deny without prejudice Telecommunications Facility Permit / TC 18-01, per Section 513 of the Zoning Ordinance, to allow the applicant time to address Planning Staff's concerns and to resubmit application materials that are in conformance with Section 316.

Discussion followed.

**Moved by Marsh and seconded by Litzen to deny without prejudice Telecommunications Facility Permit / TC 18-01, per Section 513 of the Zoning Ordinance, to allow the applicant time to address Planning Staff's concerns and to resubmit application materials that are in conformance with Section 316.**

**Commissioner Marsh further added reasons for the denial without prejudice: safety concerns of the proposed pole off-set from the road way; potential ice fall from the antenna on to vehicles traveling by; the specific location of the pole in the right-of way and how it relates to the speed of vehicles and the off-set of the pole from the road.**

**Roll Call Vote: Marsh – aye, LaCroix – aye, Litzen – aye, Lasseter – aye, McCollam, - aye, and Rivers – aye. Johnson voted – nay. Motion carried 6 to 1.**

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 22, 2018, Planning Commission meeting.

ORDINANCE AMENDMENT / OA 17-02: Pennington County. The Mining Ordinance was continued to a "Special" Board of Commissioners meeting scheduled for Tuesday, February 13, 2018, at 5:30 p.m. for a First Reading.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

- A. Mining Ordinance Update. Conover reiterated that the First Reading of the Mining Ordinance was continued to a "Special" BOC Meeting scheduled for February 13<sup>th</sup> at 5:30 p.m.
- B. Building Permit Report. Conover reviewed the Building Permit Report for January 2018.
- C. Comprehensive Plan Update – Matrix Consulting (Visit March 20<sup>th</sup> – 22<sup>nd</sup>). Conover informed the Planning Commission that the consultants, Matrix, will be here March 20<sup>th</sup> through March 22<sup>nd</sup> and will be presenting at the March 20<sup>th</sup> BOC meeting. Conover further asked that the Planning Commission members be present at that meeting. Conover also stated there will be three public meetings scheduled after 5 p.m. while Matrix is here.
- D. Planning Department General Report. Conover updated the Planning Commission with a 2017 Year-End General Report.

16. ITEMS FROM THE MEMBERSHIP

Commissioners Lasseter and Johnson will not be at the February 26<sup>th</sup> meeting.

17. ADJOURNMENT

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

**Roll Call Vote: Marsh – aye, LaCroix – aye, Litzen – aye, Lasseter – aye, Johnson – aye, McCollam, - aye, and Rivers – aye. Motion carried 7 to 0.**

**The meeting adjourned at 10:33 a.m.**

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Travis Lasseter, Chairperson