

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

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 26, 2018, MINUTES  
**Moved by Marsh and seconded by Litzen to approve the Minutes of the February 26, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.**

2. APPROVAL OF AGENDA  
**Moved by Johnson and seconded by DiSanto to approve the Agenda of the March 12, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Litzen and seconded by Marsh to approve the Consent Agenda of the March 12, 2018, Planning Commission meeting, with the removal of Items #12 and #13. Vote: unanimous 6 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 12-18: Paul and Dawn Marso. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 319 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block B, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 12-18 to the April 9, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-04:** Zane Volmer. To review a single-wide mobile to be used as a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

B39-B48 All; B57-B66 All, Block 39, Dakota City Subdivision, Section 2, T1S, R13E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 17-04 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-05:** Delmar and Melissa Nelson. To review 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 C of Lot 7 of Lot G of Lot 2, Reno Placer MS 823, Section 2, T2S, R4E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-05 with the following sixteen (16) conditions:**

1. **That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
2. **That the Vacation Home Rental (VHR) continue to operate only during the months of May through October of each year, unless a Local Contact that resides within 50 miles of the VHR year round is designated;**
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 two (2) 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. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
9. That the lot address (12265 Reno Gulch Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Reno Gulch Road, 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 Delmar Nelson, 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 an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-05, which is available at the Planning Office; and,

16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County 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 17-06:** CLSD, LLC; Rosenbaum's Signs - Agent. To review two internally, illuminated signs, located on existing sign structures, within 1,500 feet of a residential zoning district/ dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 17, The Forks at Remington Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-06 with the following six (6) conditions:**

1. That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
2. That both signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance (PCZO);
3. That both signs must continually meet a minimum of a five (5) foot setback from the front property lines and maintain proper setbacks from all side and rear property lines;
4. That the sign be continually maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
5. That the installation of any other sign(s) on the property may require a separate Sign Permit and a separate Conditional Use Permit; and,
6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissions to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

7. **CONSTRUCTION PERMIT REVIEW (ROAD DISTRICT) / CP 15-08:** Dan and Nancy Evangelisto (Summer Creek Road District). To review installation of a culvert and water line on the north end of Summer Creek Drive, improve portions of Siskin Loop and Carbon Loop and grade and maintain other existing roads within the District.

Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To end Construction Permit / CP 15-08.**

**Vote: unanimous 6 to 0.**

8. **CONSTRUCTION PERMIT REVIEW (SUMMER CREEK INN) / CP 15-09:** Dan and Nancy Evangelisto (Summer Creek Inn). To review grading and leveling an area of a hillside (Lots 10, 11, 12, 13 and 15) in order to construct a building (Lots 10 and 12); to stockpile material at other locations (Lot 27) between (Lots 34 and 35) of the property; and to level and grade an area for an overflow parking lot (Lot 45).

Lots 10, 11, 12, 13 and 15; Lot 27, Lots 34 and 35, and Lot 45 of Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To end Construction Permit / CP 15-09.**

**Vote: unanimous 6 to 0.**

9. **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.

(Continued from the November 27, 2017, Planning Commission meeting.)

**To recommend to continue Layout / PL 17-38 to the April 23, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

10. **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.

(Continued from the November 27, 2017, Planning Commission meeting.)

**To recommend to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the April 23, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

11. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-01:** Deerfield Cabins, LLC; Deon Wynia. To amend the existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the February 26, 2018, Planning Commission meeting.)

**To recommend to continue Major Planned Unit Development Amendment / PU 18-01 to the April 23, 2018, Planning Commission meeting with two (2) conditions.**

**Vote: unanimous 6 to 0.**

#### **END OF CONSENT AGENDA**

12. **LAYOUT PLAT / PL 18-03:** Kerri and Sabrina Johnston. To combine three lots in order to create Lot 1 of Johnston Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 20 and 21 of Lot 1 of SW1/4SW1/4 and Lot 22 of Lot 1 of SW1/4SW1/4, located in Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Johnston Subdivision, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Layout Plat / PL 18-03 to the March 26, 2018, Planning Commission meeting.

Discussion followed.

**Moved by DiSanto and seconded by Litzen to continue Layout Plat / PL 18-03 to the March 26, 2018, Planning Commission meeting.**

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

13. VACATION OF EASEMENT / VE 18-01: Kerri and Sabrina Johnston. To vacate a portion of the access easement (16-foot-wide private roadway) located in the interior of Lots 20, 21, and 22 of Lot 1 of SW1/4SW1/4 in accordance with the Pennington County Zoning Ordinance.

Lots 20 and 21 of Lot 1 of SW1/4SW1/4 and Lot 22 of Lot 1 of SW1/4SW1/4, located in Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Vacation of Easement / VE 17-05 to the March 26, 2018, Planning Commission meeting.

Discussion followed.

**Moved by DiSanto and seconded by Johnson to continue Vacation of Easement / VE 17-05 to the March 26, 2018, Planning Commission meeting.**

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

14. MINOR PLAT / PL 18-02: Tom and Ann Slaughter. To reconfigure lots lines in order to create Tract 30 Revised-2; Tract 32 Revised-2; and Tract 40 Revised-2 of Rushmore Ranch Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Tract 30 Revised-2; Tract 32 Revised-2; and Tract 40 Revised-2 of Rushmore Ranch Estates Subdivision, located in Sections 7 and 8, T2S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to reconfigure the lots lines in order to create Tract 30 Revised-2; Tract 32 Revised-2; and Tract 40 Revised-2 of Rushmore Ranch Estates Subdivision.

Staff recommended approval of Minor Plat / PL 18-02 with the following twelve (12) conditions:

1. That prior to filing the Plat with the Register of Deeds, the applicant's address whether or not to keep the existing 66-foot wide USFS Access Easement;
2. That prior to filing the Plat with the Register of Deeds, an 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;
3. That prior to recording the Plat with the Register of Deeds, the new proposed plat reflect the changes as recommended per the Register of Deeds, Department of Equalization, and the County Highway Department;
4. That at the time the Plat is recorded with the Register of Deeds, the plat continue to show the "20' Wide Access and Water Line Easement Plat BK 27, PG. 139";
5. That at the time the Plat is recorded with the Register of Deeds, the necessary update to Note 6, on the Plat, is made;
6. That at the time the Plat is recorded with the Register of Deeds, the plat be on two (2) pages to make room for all the necessary stamps;
7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
8. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
9. That at the time the Plat is recorded with the Register of Deeds, that the Certifications on the plat continue to be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
10. That prior to the applicant obtaining signatures on the Plat, the applicant allow the Planning Director time to review the proposed recordable plat;



11. That at the time the Plat is recorded 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,
12. That prior to the Plat being recorded with the Register of Deeds, the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-02. The SOU is available at the Planning Office.

Discussion followed.

**Moved by Litzen and seconded by DiSanto to approve of Minor Plat / PL 18-02 with the following twelve (12) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, the applicant's address whether or not to keep the existing 66-foot wide USFS Access Easement;**
- 2. That prior to filing the Plat with the Register of Deeds, an 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;**
- 3. That prior to recording the Plat with the Register of Deeds, the new proposed plat reflect the changes as recommended per the Register of Deeds, Department of Equalization, and the County Highway Department;**
- 4. That at the time the Plat is recorded with the Register of Deeds, the plat continue to show the "20' Wide Access and Water Line Easement Plat BK 27, PG. 139";**
- 5. That at the time the Plat is recorded with the Register of Deeds, the necessary update to Note 6, on the Plat, is made;**
- 6. That at the time the Plat is recorded with the Register of Deeds, the plat be on two (2) pages to make room for all the necessary stamps;**
- 7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 8. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;**
- 9. That at the time the Plat is recorded with the Register of Deeds, that the Certifications on the plat continue to be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**

10. That prior to the applicant obtaining signatures on the Plat, the applicant allow the Planning Director time to review the proposed recordable plat;
11. That at the time the Plat is recorded 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,
12. That prior to the Plat being recorded with the Register of Deeds, the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-02. The SOU is available at the Planning Office.

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAT / PL 18-01 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-01: Edelweiss Mtn. Lodging; Fisk Land Surveying – Agent. To combine two lots to create Lot 31 Revised in Block E of MS 1016, Edelweiss Mountain Development and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 31 and Lot 32, Block E of MS 1916, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 31 Revised, Block E of MS 1916, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat and Subdivision Regulations Variance to combine two lots to create Lot 31 Revised in Block E of MS 1016, Edelweiss Mountain Development and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 18-01 to waive submittal of road construction design standards, road improvements for Suburban Residential Zoning for Munich Lane and Heidelberg Lane per Section 500.5 Table 1, including turnarounds and Dead End Road System; and also recommended approval of approval of Layout Plat / PL 18-01 with the following ten (10) conditions:

1. That at the time of new Minor Plat submittal, the applicant makes corrections to the Plat, per comments received by the Register of Deeds;
2. That at the time of new Minor Plat submittal, a minimum of an 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 Minor 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 and as deemed appropriate by the Register of Deeds;
5. That at the time of a new Minor 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 existing address continue to be properly 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 the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 18-01. The SOU is available at the Planning Office; and,
10. 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 Marsh to approve of Subdivision Regulations Variance / SV 18-01 to waive submittal of road construction design standards, road improvements for Suburban Residential Zoning for Munich Lane and Heidelberg Lane per Section 500.5 Table 1, including turnarounds and Dead End Road System.**

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

**Moved by DiSanto and seconded by Litzen to approve of Layout Plat / PL 18-01 with the following ten (10) conditions:**

1. **That at the time of new Minor Plat submittal, the applicant makes corrections to the Plat, per comments received by the Register of Deeds;**

2. That at the time of new Minor Plat submittal, a minimum of an 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 Minor 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 and as deemed appropriate by the Register of Deeds;
5. That at the time of a new Minor 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 existing address continue to be properly 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 the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 18-01. The SOU is available at the Planning Office; and,
10. 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 6 to 0.**

16. CONDITIONAL USE PERMIT / CU 18-01: Ron Weifenbach. To allow for a temporary permit for retail sales of Class C fireworks in a General Commercial District in accordance with Sections 204-D, 209, and 510 of the Pennington County Zoning Ordinance.

All, Block 8, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a temporary permit for retail sales of Class C fireworks in a General Commercial District.

Staff recommended approval of Conditional Use Permit / CU 18-01 with the following eleven (11) conditions:

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
2. That the sale of fireworks be limited to June 27<sup>th</sup> to July 5<sup>th</sup> and from the hours of 7 a.m. to 12 a.m.;
3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-01, which is available at the Planning Office; and,

11. That this Conditional Use Permit be reviewed at the May 14, 2018, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks.

Discussion followed.

**Moved by Marsh and Litzen approval of Conditional Use Permit / CU 18-01 with the following eleven (11) conditions:**

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
2. That the sale of fireworks be limited to June 27<sup>th</sup> to July 5<sup>th</sup> and from the hours of 7 a.m. to 12 a.m.;
3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-01, which is available at the Planning Office; and,

**11. That this Conditional Use Permit be reviewed at the May 14, 2018, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks.**

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

17. ORDINANCE AMENDMENT / OA 18-01: Pennington County. To amend Section 204-J-3-P-Requirements “On-Site Wastewater Treatment Systems” of the Pennington County Zoning Ordinance.

(Continued from the February 26, 2018, Planning Commission meeting.)

Molitor reviewed the Staff Report to amend Section 204-J-3-P-Requirements “On-Site Wastewater Treatment Systems” of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 18-01.

Discussion followed.

Moved by Johnson and seconded by Litzen to approve of Ordinance Amendment / OA 18-01.

18. ORDINANCE AMENDMENT / OA 18-02: Pennington County. To amend Section 204-J-3-P-Service Providers, O&M “On-Site Wastewater Treatment Systems” of the Pennington County Zoning Ordinance.

(Continued from the February 26, 2018, Planning Commission meeting.)

Molitor reviewed the Staff Report to amend Section 204-J-3-P-Service Providers, O&M “On-Site Wastewater Treatment Systems” of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 18-02.

Discussion followed.

Moved by Marsh and seconded by Litzen to approve of Ordinance Amendment / OA 18-02.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the February 26, 2018, Planning Commission meeting.

ORDINANCE AMENDMENT / OA 17-02: Pennington County. The Second Reading of the Mining Ordinance was approved on February 27, 2018.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

21. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for February 2018.
- B. Comprehensive Plan Update. Conover spoke of the Comprehensive Plan Meeting presentations that Matrix will be hosting, which are scheduled for Monday, March 20<sup>th</sup> at 9 a.m. for the Board of Commissioners meeting; Tuesday, March 20<sup>th</sup> at 6 p.m. at the Hill City High School Theater; Wednesday, March 21<sup>st</sup> at 6 p.m. at the Wall Community Center; and Thursday, March 22<sup>nd</sup> at 6 p.m. at the Black Hills State University, Rapid City Campus.
- C. Mining Committee. Conover reiterated that the Second Reading of the Mining Ordinance has been approved.
- D. Special Animal Keeping Regulations Committee. Conover stated that the committee is still meeting every other Monday in the Planning Department Conference Room.
- E. 2020 Census. Conover stated The Planning Department is the point of contact for Pennington County regarding the 2020 Census Local Update of Census Operation (LUCA). LUCA is the only opportunity offered to tribal, state, and local governments to review and comment on the U.S. Census Bureau's residential address list. The LUCA process will take Planning Staff several months to complete as each address point (40,000+) is compared and contrasted to the U.S. Census Bureau's list.

22. ITEMS FROM THE MEMBERSHIP

Commissioner DiSanto discussed fees associated with an Ordinance Amendment, when it is denied without prejudice.

Commissioner Marsh stated he will not be at the presentation for the 3-20-18 BOC meeting, and he will not be at the 3-26-18 PC Meeting.

23. ADJOURNMENT

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

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

**The meeting adjourned at 9:57 a.m.**

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Travis Lasseter, Chairperson