

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 26, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE MARCH 12, 2018, MINUTES
Moved by Litzen and seconded by DiSanto to approve the Minutes of the March 12, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF AGENDA
Moved by Litzen and seconded by Johnson to approve the Agenda of the March 26, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Litzen and seconded by DiSanto to approve the Consent Agenda of the March 26, 2018, Planning Commission meeting. 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. **CONSTRUCTION PERMIT REVIEW / CP 17-03:** Mitch Morris. To review the grading of the site and use as a storage area to stockpile soil.

Lot 1 of SW1/4NE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

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

To approve of the extension of Construction Permit / CP 17-03 with the following seven (7) conditions:

1. **If the construction site exceeds one (1) acre, 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 as required in Section 507- A(5)(c);**
- 6. That perimeter controls must be implemented by April 17, 2018, and verified by staff that they are in place; and,**
- 7. That this Construction Permit be reviewed at the April 23, 2018, Planning Commission meeting, 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 6 to 0.

- 4. CONSTRUCTION PERMIT REVIEW / CP 17-04: City of Rapid City. To review site work for the east Rapid City water system expansion for the Morris Lane PRV Facility.**

Lot B of Lot 1 Less Lot B-1, Lot B-2, Lot B-3 and ROW; GL 2 Less ROW, Section 19, T1N, R9E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 17-04.

Vote: unanimous 6 to 0.

- 5. CONSTRUCTION PERMIT REVIEW / CP 08-06: Pete Lien & Sons. To review the mining of 501 acres of limestone and disposal of clean concrete construction debris for reclamation in General Agriculture and Limited Agriculture Districts.**

E1/2NE1/4, E1/2SE1/4, & NW1/4SE1/4, all of Section 19, T2N, R7E; W1/2NW1/4, E1/2NW1/4, E1/2SW1/4, NW1/4SW1/4, and Tract A of Kidner Subdivision, all of Section 20, T2N, R7E; all of BHM, Pennington County, South Dakota.

To continue the review of Construction Permit / CP 08-06 to the April 9, 2018, Planning Commission meeting.

Vote: unanimous 6 to 0.

6. **CONSTRUCTION PERMIT REVIEW / CP 08-07:** Pete Lien & Sons. To review the mining of 40 acres of limestone and disposal of clean concrete construction debris for reclamation in a General Agriculture District.

Government Lot 1, Section 19, T2N, R7E, BHM, Pennington County, South Dakota.

To continue the review of Construction Permit / CP 08-07 to the April 9, 2018, Planning Commission meeting.

Vote: unanimous 6 to 0.

7. **CONSTRUCTION PERMIT / CP 18-03:** Site Work Specialists. To construct a new water main, install water service lines, fittings, valves, valve boxes, fire hydrants, and other appurtenances, which includes surface restoration and other incidental work.

Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 18-03 with the following ten (10) 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 any waste material be removed by the end of the work day and is not to remain in the right of way;**

6. That access to homes be maintained at all times for emergency vehicles;
7. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
8. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval;
9. The work on private property is done within the recorded easements; and,
10. 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 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 15-20:** Mitch Morris. To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-20 with the following fifteen (15) conditions:

1. That all hazardous waste be stored, treated, transported, and disposed of according to South Dakota Codified Law §34(A)(11), South Dakota Administrative Rule Article 74:28, and United States Code of Federal Regulation 40 CFR Part 260-279;
2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed and maintained on the highway facing side of the Construction Equipment Storage and Sales area;
4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
5. 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;
6. That porta-potties (1 per every 50 employees) are provided on-site;

7. That the addresses be posted in accordance with Pennington County's Ordinance #20;
8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;
9. That there is no more than two (2) additional employees, excluding family members;
10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;
12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in two (2) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

9. 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.

(Continued from the March 12, 2018, Planning Commission meeting.)

Waisath reviewed the Staff Report indicating the applicants have applied for a Layout Plat to combine three lots in order to create Lot 1 of Johnston Subdivision.

Staff recommended approval of Layout Plat / PL 18-03 with the following eleven (11) conditions:

1. That the plat heading, drawing, and certificates be changed in accordance with the Register of Deeds and Director of Equalization's comments, prior to the submittal of the new Plat;
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 applicant submits percolation tests and soil profile information for proposed Lot 1 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of new Plat submittal, the plat meets the requirements of § 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 at the time of new Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
7. That prior to filing the Plat with the Register of Deeds, a Lot Size Variance or a Rezone and Comprehensive Plan Amendment be obtained for proposed Lot 1 of Johnston Subdivision;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

9. That the applicant adhere to all comments provided by the Forest Service;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-03, which 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 McCollam and seconded Litzen to approve of Layout Plat / PL 18-03 with the following eleven (11) conditions:

- 1. That the plat heading, drawing, and certificates be changed in accordance with the Register of Deeds and Director of Equalization's comments, prior to the submittal of the new Plat;**
- 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 applicant submits percolation tests and soil profile information for proposed Lot 1 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That at the time of new Plat submittal, the plat meets the requirements of § 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 at the time of new Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 6. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;**
- 7. That prior to filing the Plat with the Register of Deeds, a Lot Size Variance or a Rezone and Comprehensive Plan Amendment be obtained for proposed Lot 1 of Johnston Subdivision;**

8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
9. That the applicant adhere to all comments provided by the Forest Service;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-03, which 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 to 6 to 0.

10. 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.

(Continued from the March 12, 2018, Planning Commission meeting.)

Waisath reviewed the Staff Report indicating the applicants have applied 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.

Staff recommended approval of Vacation of Easement / VE 18-01 with the following three (3) conditions:

1. That the acreage for the vacated roadway and a note stating “Private Roadway to be Vacated as shown on Plat 8 Page 37” be included on the exhibit;
2. That all necessary resolutions and exhibits vacating the Private Roadway be recorded by the applicant at the Register of Deeds Office; and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 18-01, which is available at the Planning Office.

Discussion followed.

Moved by Johnson and seconded by McCollam to approve of Vacation of Easement / VE 18-01 with the following three (3) conditions:

1. That the acreage for the vacated roadway and a note stating “Private Roadway to be Vacated as shown on Plat 8 Page 37” be included on the exhibit;
2. That all necessary resolutions and exhibits vacating the Private Roadway be recorded by the applicant at the Register of Deeds Office; and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 18-01, which is available at the Planning Office.

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

11. LAYOUT PLAT / PL 18-04: Douglas Norberg; Buckhorn Surveying – Agent. To reconfigure lot lines to create Tracts 5A and Tract 5 B of Sonquest Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 Revised of GL 3 and Lot 1 of Lot C of GL 2, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 5A and Tract 5B of Sonquest Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Waisath reviewed the Staff Report indicating the applicant has applied for a Layout Plat to reconfigure lot lines to create Tracts 5A and Tract 5 B of Sonquest Subdivision.

Staff recommended approval of Layout Plat / PL 18-04 with the following thirteen (13) conditions:

1. That the plat heading and certificates be changed in accordance with the Register of Deeds and Director of Equalization’s comments, prior to the submittal of the new Plat;
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 applicant submits percolation tests and soil profile information for proposed Tract 5B to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of new Plat submittal, the plat meets the requirements of § 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 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 proposed 20-foot-wide private access easement be placed in alignment with the existing access easement to avoid crossing over private land;
7. That the applicants obtain a valid Operating Permit for the existing on-site wastewater treatment system within sixty (60) days of approval of this Layout Plat;
8. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;
11. That the applicant adhere to all comments provided by the Forest Service;
12. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-04, which is available at the Planning Office; and,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of Layout Plat / PL 18-04 with the following thirteen (13) conditions:

- 1. That the plat heading and certificates be changed in accordance with the Register of Deeds and Director of Equalization's comments, prior to the submittal of the new Plat;**
- 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 applicant submits percolation tests and soil profile information for proposed Tract 5B to be reviewed and**

approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

- 4. That at the time of new Plat submittal, the plat meets the requirements of § 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 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 proposed 20-foot-wide private access easement be placed in alignment with the existing access easement to avoid crossing over private land;**
- 7. That the applicants obtain a valid Operating Permit for the existing on-site wastewater treatment system within sixty (60) days of approval of this Layout Plat;**
- 8. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;**
- 9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 10. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;**
- 11. That the applicant adhere to all comments provided by the Forest Service;**
- 12. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-04, which is available at the Planning Office; and,**
- 13. 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.

12. REZONE / RZ 18-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-01: Boom Construction; Daene Boomsma – Agent. To rezone 7.05 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 General Agriculture District to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Subdivision Regulations.

Lot 1, Denika Subdivision, Section 28, T2N, R9E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to rezone 7.05 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 General Agriculture District to Low Density Residential District.

Discussion followed.

Moved by DiSanto and seconded by Johnson to approve of Rezone / RZ 18-01 and Comprehensive Plan Amendment / CA 18-01.

All voting aye, the Motion carried 6 to 0.

13. CONDITIONAL USE PERMIT REVIEW / CU 16-27: Gene and Carllen Van Der Wert; Collin Goodwin - Agent. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Lot K, Brechtel #1, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

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

Waisath stated this is a review of the applicant's Conditional Use Permit to allow a Vacation Home Rental on the subject property.

Staff is seeking guidance from the Planning Commission on how to proceed with the review of Conditional Use Permit / CU 16-27.

One (1) of the following three (3) options could be considered:

- A. End Conditional Use Permit / CU 16-27, as Conditions of Approval and requirements of § 319 of the PCZO are not being met.
- B. Continue the review of Conditional Use Permit / CU 16-27 to the May 14, 2018, Planning Commission meeting with the following three (3) conditions:
 - 1. That the continuation fee, per § 511(X), and the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;
 - 2. That the applicant or agent notify all property owners within five-hundred (500) feet via First Class Mail of the updated Local Contact information prior to the May 14, 2018, Planning Commission meeting; and

3. That Conditional Use Permit / CU 16-27 automatically end if all Conditions of Approval, including those originally approved in 2016, and requirements of § 319 are not met by the May 14, 2018, Planning Commission meeting.
- C. Approve the extension of Conditional Use Permit / CU 16-27 with the following fifteen (15) conditions:
1. That the continuation fee, per § 511(X), and the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;
 2. 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 Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
 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, prior to operation of the Vacation Home Rental;
 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;

9. That the lot address (24003 Pink Cabin 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 Pink Cabin 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 an updated Local Contact be designated, in accordance with § 319 of the PCZO, and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail prior to any rentals for the 2018 season;
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 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 the extension of Conditional Use Permit / CU 16-27, which is available at the Planning Office; and
15. That this Conditional Use Permit be reviewed in three (3) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and Johnson to approve of the extension of Conditional Use Permit / CU 16-27.

Discussion followed.

SUBSTITUTE MOTION: Moved by DiSanto and seconded by Johnson to continue the review of Conditional Use Permit / CU 16-27 to no later than the May 14, 2018, Planning Commission meeting with the following three (3) conditions:

1. **That the continuation fee, per § 511(X), and the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;**

2. **That the applicant or agent notify all property owners within five-hundred (500) feet via First Class Mail of the updated Local Contact information prior to the May 14, 2018, Planning Commission meeting; and**
3. **That Conditional Use Permit / CU 16-27 automatically end if all Conditions of Approval, including those originally approved in 2016, and requirements of § 319 are not met by the May 14, 2018, Planning Commission meeting.**

All voting aye, the Motion carried 6 to 0.

14. CONDITIONAL USE PERMIT REVIEW / CU 17-10: Maurice and Sonja Crowley. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Copper Oaks #2 Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

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

Bolstad stated this is a review of the applicant's Conditional Use Permit to allow a Vacation Home Rental on the subject property.

Staff is seeking guidance from the Planning Commission on how to proceed with the review of Conditional Use Permit / CU 17-10.

One (1) of the following three (3) options could be considered:

- A. End Conditional Use Permit / CU 17-10, as Conditions of Approval and requirements of § 319 of the PCZO are not being met.
- B. Continue the review of Conditional Use Permit / CU 17-10 to the May 14, 2018, Planning Commission meeting with the following four (4) conditions:
 1. That the continuation fee, per § 511(X), and the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;
 2. That the online advertisements for the Vacation Home Rental be corrected and accurately reflect the appropriate number of bedrooms and overnight occupancy within five (5) days of the March 26, 2018, Planning Commission meeting;
 3. That the applicant or agent notify all property owners within five-hundred (500) feet via First Class Mail of the updated Local Contact information prior to the May 14, 2018, Planning Commission meeting; and,

4. That Conditional Use Permit / CU 17-10 automatically end if all Conditions of Approval, including those originally approved in 2017, and requirements of § 319 are not met by the May 14, 2018, Planning Commission meeting.
- C. Approve the extension of Conditional Use Permit / CU 17-10 with the following sixteen (16) conditions:
1. That the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;
 2. That the online advertisements for the Vacation Home Rental be corrected and accurately reflect the appropriate number of bedrooms and overnight occupancy within five (5) days of the March 26, 2018, Planning Commission meeting;
 3. 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 Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
 4. That if an addition to the structure 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;
 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 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, prior to operation of the Vacation Home Rental;
 7. 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 current 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 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;

9. 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; to include information that there is only one means of ingress/egress; no trespassing on neighboring property owner's properties; be aware of rattle snakes in the area, and also be aware of fire danger and the subject property topography, during operation of the Vacation Home Rental;
10. That the lot address (13657 Silver Fox Spur) 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 Silver Fox Spur, in accordance with Pennington County's Ordinance #20;
11. 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;
12. That an updated Local Contact be designated, in accordance with § 319 of the PCZO, and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail prior to any rentals for the 2018 season;
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 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 the Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-10, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in three (3) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by DiSanto and seconded by Johnson to continue the review of Conditional Use Permit / CU 17-10 to no later than the May 14, 2018, Planning Commission meeting with the following four (4) conditions:

- 1. That the continuation fee, per § 511(X), and the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;**

2. **That the online advertisements for the Vacation Home Rental be corrected and accurately reflect the appropriate number of bedrooms and overnight occupancy within five (5) days of the March 26, 2018, Planning Commission meeting;**
3. **That the applicant or agent notify all property owners within five-hundred (500) feet via First Class Mail of the updated Local Contact information prior to the May 14, 2018, Planning Commission meeting; and,**
4. **That Conditional Use Permit / CU 17-10 automatically end if all Conditions of Approval, including those originally approved in 2017, and requirements of § 319 are not met by the May 14, 2018, Planning Commission meeting.**

All voting aye, the Motion carried 6 to 0.

15. CONDITIONAL USE PERMIT REVIEW / CU 17-11: Gerard and Michele Mlinar; VACO Vacation Rentals, LLC - Agent. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2A, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

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

Bolstad stated this is a review of the applicant's Conditional Use Permit to allow a Vacation Home Rental on the subject property.

Staff is seeking guidance from the Planning Commission on how to proceed with the review of Conditional Use Permit / CU 17-11.

One (1) of the following three (3) options could be considered:

- A. End Conditional Use Permit / CU 17-11, as Conditions of Approval and requirements of § 319 of the PCZO are not being met.
- B. Continue the review of Conditional Use Permit / CU 17-11 to the May 14, 2018, Planning Commission meeting with the following three (3) conditions:
 1. That the continuation fee, per § 511(X), and the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;
 2. That the applicant or agent notify all property owners within five-hundred (500) feet via First Class Mail of the updated Local Contact information prior to the May 14, 2018, Planning Commission meeting; and,

3. That Conditional Use Permit / CU 17-11 automatically end if all Conditions of Approval, including those originally approved in 2017, and requirements of § 319 are not met by the May 14, 2018, Planning Commission meeting.
- C. Approve the extension of Conditional Use Permit / CU 17-11 with the following fifteen (15) conditions:
1. That the continuation fee, per § 511(X), AND the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;
 2. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
 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, prior to operation of the Vacation Home Rental;
 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 (13704 Highway 40) 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 Highway 40, 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 an updated Local Contact be designated, in accordance with § 319 of the PCZO, and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail prior to any rentals for the 2018 season;
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 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 the extension of Conditional Use Permit / CU 17-11, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in three (3) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rivers and seconded by Johnson to continue the review of Conditional Use Permit / CU 17-11 to no later than the May 14, 2018, Planning Commission meeting with the following three (3) conditions:

- 1. That the continuation fee, per § 511(X), and the Vacation Home Rental Conditional Use Permit Review fee, per § 511(F)(4), be paid within fourteen (14) days of the March 26, 2018, Planning Commission meeting;**
- 2. That the applicant or agent notify all property owners within five-hundred (500) feet via First Class Mail of the updated Local Contact information prior to the May 14, 2018, Planning Commission meeting; and,**

3. **That Conditional Use Permit / CU 17-11 automatically end if all Conditions of Approval, including those originally approved in 2017, and requirements of § 319 are not met by the May 14, 2018, Planning Commission meeting.**

All voting aye, the Motion carried 6 to 0.

16. CONDITIONAL USE PERMIT REVIEW / CU 17-12: Debra Pimentel; VACO Vacation Rentals, LLC - Agent. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 13A less Lot H1, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

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

Molitor stated this is a review of the applicant's Conditional Use Permit to allow a Vacation Home Rental on the subject property.

Staff recommended to end Conditional Use Permit / CU 17-12.

Discussion followed.

Moved by DiSanto and seconded by McCollam to continue the review of Conditional Use Permit / CU 17-12 to the April 9, 2018, Planning Commission meeting to allow Collin Goodwin, Owner of VACO Vacation Rentals, to contact Ms. Pimentel regarding the Conditions of Approval.

All voting aye, the Motion carried 6 to 0.

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 Report on the subject property.

Staff is looking for direction from the Planning Commission on Planned Unit Development / PU 16-03, due to concerns.

If the Planning Commission chooses to approve the continuation of Planned Unit Development / PU 16-03, Staff would recommend the inclusion of 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, 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 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 from Lots 3, 4, 10, 11, 12, 44, and 45 are in compliance with South Dakota Codified Law 22-18-35;
14. That quiet hours for Lots 3, 4, 10, 11, 12, 44, and 45 will be 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 appropriate safety measures be taken by landowners within PU 16-03, in cooperation with the existing Road District Board, to allow parking along Summer Creek Road, only parking spaces existing at the time of;
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, 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 the Pennington County Zoning Ordinance;
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 has 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 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 Rivers and seconded by Litzen to approve of the extension of Planned Unit Development / PU 16-03 with forty-three conditions, with the below amended language changes to the following conditions:

13. That the intensity and duration of amplified sounds from Lots 3, 4, 10, 11, 12, and 45, are in compliance with South Dakota Codified Law 22-18-35.
14. That there will be no amplified sounds on Lots 3, 4, 10, 11, 12, and 45 from 10:00 p.m. to 7:00 a.m. Sunday through Thursday and 11:00 p.m. to 7:00 a.m. on Friday and Saturday.

Condition #24 remove the existing language and replace with the following language:

24. That the location of exit lights, signs, and fire extinguishers be provided for the permanent tent, as directed by the Pennington County Fire Administrator.

Condition #27 add the word permanent before the word tent.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Litzen and seconded by DiSanto to approve of the extension of Planned Unit Development / PU 16-03 with amended language to Conditions #13, #14, #24, and #27, 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, 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 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 sounds from any and all sources, within the lots of the Planned Unit Development, are in compliance with South Dakota Codified Law 22-18-35;
14. That there will be no amplified sounds on Lots 3, 4, 10, 11, 12, and 45 from 11:00 p.m. to 7:00 a.m. daily;
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 the location of exit lights, signs, and fire extinguishers be provided for the permanent tent, as directed by the Pennington County Fire Administrator;
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 the Pennington County Zoning Ordinance;
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 has 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 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.

All voting aye, the Motion carried 6 to 0.

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 12, 2018, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

- A. Comprehensive Plan Update. Conover updated the Planning Commission on the public meetings Matrix recently held. He further discussed scheduling a "Special" Planning Commission meeting the first week of June to review the Draft Comprehensive Plan.

Moved by Lasseter and seconded by Litzen to schedule a "Special" Planning Commission meeting on Monday, June 4, 2018, from 9 a.m. to 2 p.m. All voting aye, the Motion carried 6 to 0.

- B. Mineral Extraction Ordinance Memo. Conover spoke of the possible formation of a Mineral Mining Committee.

21. ITEMS FROM THE MEMBERSHIP

Commissioner DiSanto spoke of the Ordinance that was recently adopted and wanted to know what happens if the referendum goes to a public vote.

22. ADJOURNMENT

Moved by DiSanto and seconded by Johnson to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:47 a.m.

Travis Lasseter, Chairperson