

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Rich Marsh, Lori Litzen, Bill McCollam, Sonny Rivers, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Brittney Molitor, Amy Riddering, Angela Shute, (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MARCH 26, 2018, MINUTES  
**Moved by McCollam and seconded by Rivers to approve the Minutes of the March 26, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.**
2. APPROVAL OF AGENDA  
**Moved by Rivers and seconded by Marsh to approve the Agenda of the April 9, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.**

Commissioner Litzen appeared at the meeting at 9:01 a.m.

**Moved by Marsh and seconded by Rivers to approve the Consent Agenda of the April 9, 2018, Planning Commission meeting, with the removal of Items #7, #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 91-59:** Melissa Ehrhardt. To review a single-wide mobile home as a single-family residence in a Suburban Residential District in accordance with Section 208-C-19 of the Pennington County Zoning Ordinance.

Tract C of Tract 6, Berger Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 91-59 to the May 14, 2018, Planning Commission with the following four (4) conditions:**

1. That, if additional continuations of CU 91-59 are necessitated due to lack of action by the applicant, each continuation will be subject to § 511(X);
2. That the property owner work with Staff to bring the on-site wastewater treatment system into compliance (i.e. obtain an Operating Permit);
3. That the applicant sign a new Statement of Understanding within fourteen (14) days of approval; and,
4. That should the applicant fail to meet the above mentioned Conditions of Approval Conditional Use Permit / CU 91-59 automatically be revoked and the single-wide mobile home be removed from the subject property.

**Vote: unanimous 6 to 0.**

4. **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

(Continued from the March 3, 2018, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 12-18 to the April 23, 2018, Planning Commission meeting with two (2) conditions.**

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-28:** Michael or Erika Radtke; Kathleen Kaul- Owner. To review a single-wide mobile home to be used as a ranch hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT of S1/2SE1/4 lying South of Highway less right-of-way and less Tract A, Wiese Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 15-28 with the following eight (8) conditions:**

1. That if the single-wide mobile home (SWMH) is not lived in as a ranch hand residence by October 8, 2018, Conditional Use Permit / CU 15-28 will automatically expire and the SWMH must be removed;
2. 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;

3. That the residence be occupied by a ranch hand or used as housing for hired help at all times, and not used as a rental by someone not engaged in the daily operation of the farm or ranch located on the subject property;
4. That the address for the ranch hand's residence continue to be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of a General Agriculture District continue to be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit;
6. That the applicants and landowners sign a new Statement of Understanding and Ranch Hand Residence Statement within ten (10) business days of the extension of Conditional Use Permit / CU 15-28, which is available at the Planning Office;
7. That prior to moving the single-wide mobile home off the subject property, a Removal Permit be obtained from the Planning Department;
8. That this Conditional Use Permit be reviewed on October 22, 2018, or 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.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-22:** BH Power, Inc. / BH Electric Cooperative; Michael Pogany - Agent. To review a contractor's storage yard for the Teckla-Osage-Rapid City 230kV Transmission Line Project located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract A less Lot H1, Substation Subdivision, Section 27, T1N, R3E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 16-22, with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-37:** Wade and Shari Greseth. To review a Recreational Vehicle to be used as temporary living quarters, while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tact B of E1/2SE1/4SW1/4, Section 29, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-37 with the following eleven (11) conditions:**

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;**
- 2. That the address for the residence (23995 Towering Pines Lane) continue to be posted at the driveway so that it is visible from both directions of travel on Towering Pines Lane in accordance with Pennington County's Ordinance #20;**
- 3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the On-Site Wastewater Treatment System (OSWTS) as soon as it is installed until the single-family residence is habitable;**
- 4. That the applicant submits pump receipts for the pumping of the holding tanks in the Recreational Vehicle (RV) once a month until the OSWTS is installed and operational;**
- 5. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or a Setback Variance be obtained;**
- 6. That the subject property remains free of debris and junk vehicles;**
- 7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 8. That upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) may only be allowed to be stored on the property, must be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;**
- 9. That the applicant notifies the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;**
- 10. That the applicant adheres to the Forest Service comments at all times; and,**
- 11. That this Conditional Use Permit be reviewed at the October 8, 2018, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

9. **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 March 26, 2018, Planning Commission meeting.)

**To end Conditional Use Permit / CU 17-12.**

**Vote: unanimous 6 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-13:** Diana Bryant. To review living in an existing single-wide mobile home, while building a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 5 and 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-13 with the following six (6) conditions:**

1. **That a no-fee Removal Permit be obtained prior to removing the single-wide mobile home from the subject property;**
2. **That the address (3115 Pioneer Drive) be clearly posted on the new residence and at the end of the driveway, so as to be visible from both directions of Pioneer Drive, in accordance with Pennington County's Ordinance #20;**
3. **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;**
4. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
5. **That an approved Construction Permit be obtained for any disturbance greater than 10,000 square feet not associated with a Building Permit; and,**
6. **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.**

**Vote: unanimous 6 to 0.**

11. **CONDITIONAL USE PERMIT REVIEW / CU 17-45:** Gold Run III, LLC (Greg Wittenberg); Andrew Scull - Agent. To review an existing caboose to be used as a seasonal dwelling on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

All Less Gold Run Park and Less Lot 1 of Hobart Subdivision located in Sections 5 and Sections 9, Matt Placer MS 1417, Section 8, T1S, R3E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-45 with the following eight (8) conditions:**

1. That the lot address (11361 Gillette Prairie Road) be properly posted on the caboose and at the driveway so it is clearly visible from both directions of travel on Gillette Prairie Road, in accordance with Pennington County's Ordinance #20;
2. That the seasonal dwelling (caboose) shall not be used for more than 180 days per calendar year;
3. 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;
4. That all future structures meet the minimum required setbacks for a Limited Agriculture District or an approved Setback Variance be obtained prior to Building Permit approval;
5. That the caboose be used for personal use only. No commercial activity and no rentals outside of SDCL 42-18-1(17) shall be permitted;
6. That the property remains free of debris and junk vehicles;
7. That the comments provided by the U.S. Forest Service be adhered to at all times; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

14. **ROAD NAMING:** South Cavern Road. Chris Peterson. To name a 24-foot-wide access easement providing access to properties located in Sections 11 and 12, T1N, R6E, BHM, Pennington County, South Dakota, to South Cavern Road.

**To recommend approval of the Road Name of Cavern Road.**

**Vote: unanimous 6 to 0.**

- 15. CONDITIONAL USE PERMIT AMENDMENT / CU 17-43:** Under Canvas, Inc. (UC Glamping Partners, LLC); Jeremy Budge. To amend an existing Conditional Use Permit to allow for the sale of beer and wine on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 6; SE1/4NW1/4; N1/2SW1/4; Section 16, T2S, R6E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Amendment / CU 17-43 with the following twenty-seven (27) conditions:**

- 1. That “Temporary” shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent will be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 17-43;**
- 2. That the uses of the Conditional Use Permit allow for: 80 temporary tent sites with tents, 18 temporary tipis, 8’ wide cart paths, temporary tents for a lobby, outdoor dining, two (2) communal bathroom facilities with sinks/showers, management office, yoga deck, tent or other structure for laundry and housekeeping, fire pits, the sale of beer and wine (with applicable permits), and to allow for the coordination of off-site recreational pursuits, from an on or off site location;**
- 3. That an approved Temporary Building Permit be obtained for each tent site prior to construction and for any temporary 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;**
- 4. That an approved Building Permit be obtained for any non-temporary 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;**
- 5. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;**
- 6. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the western border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;**

7. That an address or addresses be assigned to the subject property, along with other identifying road names or tent site numbers, per the County Addressing Coordinator and 9-1-1 Emergency Management, and posted in accordance with Pennington County's Ordinance #20. Road naming will require additional approvals from Pennington County;
8. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
9. That the interior access roads leading to the tent sites consist of, at a minimum, a 24-foot-wide graveled driving surface to accommodate two-way traffic;
10. That the minimum of 130 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
11. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior to the operation of the Recreational Resort, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That the applicant maintains 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 17-43;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
16. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;



17. That the recommendations from the Fire Administrator be adhered to at all times;
18. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
19. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required Fire Mitigation Plans;
20. That emergency turn-arounds be provided on-site, per Pennington County Fire Administrator recommendations;
21. That the applicant is aware of and adheres to all Forest Service requirements;
22. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
23. That the applicant comply with all State requirements for well digging and permitting and provide the Pennington County Planning Director a copy of all approvals prior to the operation of the Recreation Resort;
24. That prior to obtaining a Building Permit, the applicant have the well water tested to determine quality and quantity sufficient enough to sustain the proposed Recreation Resort water usage;
25. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
26. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-43, which is available at the Planning Office; and,
27. That this Conditional Use Permit be reviewed in June of 2018, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

16. **CONDITIONAL USE PERMIT / CU 18-03:** Lisa Tutsch and Tracy Tabiaddon; Lonnie Tutsch - Agent. To allow a proposed shop building to be used as temporary living quarters while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

SW1/4NE1/4NE1/4 of Section 18, T2N, R11E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 18-03 with the following ten (10) conditions:**

- 1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of Judson Lane, in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);**
- 4. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
- 5. That the applicant must obtain an Approach Permit from the Engelhart Road District, prior to approval of a Building Permit for the new single-family residence;**
- 6. That an onsite wastewater treatment system is installed and connected to the temporary living quarters, prior to occupancy, and, once the single-family residence is constructed and habitable, the onsite wastewater treatment system is connected to the residence and disconnected from the temporary living quarters;**
- 7. That the temporary living quarters is removed from the shop building once the single-family residence is habitable;**
- 8. That the subject property remains free of debris and junk vehicles;**
- 9. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-03; and,**
- 10. That this Conditional Use Permit be reviewed in one (1) year, 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.**

**END OF CONSENT AGENDA**

7. CONDITIONAL USE PERMIT REVIEW / CU 16-24: BH Power, Inc. / BH Electric Cooperative; Michael Pogany - Agent. To review a contractor's storage yard for the Teckla-Osage-Rapid City 230kV Transmission Line Project located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

Commissioner Marsh asked to have this Item removed from the Consent Agenda, as he stated he would be abstaining from voting.

Staff recommended to end Conditional Use Permit / CU 16-24, with the applicant's concurrence.

Discussion followed.

**Moved by Litzen and seconded by Rivers to end Conditional Use Permit / CU 16-24, with the applicant's concurrence.**

**All voting, the Motion carried 5 to 0. Commissioner Marsh abstained.**

12. 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, and 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.

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

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

Staff had originally recommended approval of the extension of Construction Permit / CP 08-06 with twelve (12) conditions, but are now recommending this item be continued to the April 23, 2018, Planning Commission meeting in order for staff and the applicant to meet.

Discussion followed.

**Moved by McCollam and seconded by Rivers to continue the review of Construction Permit / CP 08-06 to the April 23, 2018, Planning Commission meeting in order for staff and the applicant to meet.**

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

13. 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.

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

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

Staff had originally recommended approval of the extension of Construction Permit / CP 08-06 with twelve (12) conditions, but are now recommending this item be continued to the April 23, 2018, Planning Commission meeting in order for staff and the applicant to meet.

Discussion followed.

**Moved by Litzen and seconded by McCollam to continue the review of Construction Permit / CP 08-07 to the April 23, 2018, Planning Commission meeting in order for staff and the applicant to meet.**

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

17. ORDINANCE AMENDMENT / OA 18-03: Pennington County. To amend Sections 205-B and 205-C “General Agriculture District and Section 212-C “Heavy Industrial District” of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating recommended changes to Sections 205 and 212 of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 18-03.

Discussion followed.

**Moved by Litzen and seconded by Marsh to approve of Ordinance Amendment / OA 18-03.**

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

18. CONDITIONAL USE PERMIT / CU 18-02: Glenda Robertson. To allow for 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 3, Melchert Ranch Subdivision, Section 15, T1S, R3E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a Vacation Home Rental on the subject property.

Staff recommended approval of Conditional Use Permit / CU 18-02 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to four (4) per SD DENR comments;
2. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
5. 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;
6. 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;
7. That the lot address be posted for each unit on the multi-family residence at all times, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed, from Glenda Robertson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
10. 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;

11. That the applicant resolve the issues with the unauthorized access, with the National Forest Service, prior to the next scheduled review of CU 18-02 and provide documentation to the Planning Department to show the issues has been resolved;
12. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
13. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
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 at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-02; and
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Rivers and seconded by Marsh to approve of Conditional Use Permit / CU 18-02 with the following sixteen (16) conditions:**

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to four (4) per SD DENR comments;**
- 2. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 5. 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;

6. 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;
7. That the lot address be posted for each unit on the multi-family residence at all times, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from Glenda Robertson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
10. 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;
11. That the applicant resolve the issues with the unauthorized access, with the National Forest Service, prior to the next scheduled review of CU 18-02 and provide documentation to the Planning Department to show the issues has been resolved;
12. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
13. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
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 at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-02; and

16. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

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

19. DISCUSSION AND MOTION FOR “SPECIAL” PLANNING COMMISSION MEETING ON JUNE 4, 2018.

Conover discussed the “Special” Planning Commission meeting scheduled for Monday, June 4, 2018, from 9 a.m. to 2 p.m.

No motions or actions were taken.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 26, 2018, Planning Commission meeting, with the exception of Planned Unit Development 16-03 (Dan & Nancy Evangelisto). This item was continued to the April 17, 2018, Board of Commissioner’s meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken.

22. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for March 2018.
- B. Comprehensive Plan Update. Conover spoke of the Comprehensive Plan.
- C. Conditional Use Permit - Hilgemann. Conover spoke of a Conditional Use Permit submitted by the Hilgemann’s for a caretaker’s residence and having it heard, with possible approval, at the May 1<sup>st</sup> BOC meeting and, if approved, then to be heard at the May 14<sup>th</sup> PC meeting for a review to meet the applicant’s deadlines.

**Moved by Litzen and seconded by Marsh to have the Hilgemann’s Conditional Use Permit for a caretaker’s residence to be heard by the Board of Commissioners on May 1<sup>st</sup>, with possible approval, and, if approved, then to be heard at the May 14<sup>th</sup> Planning Commission meeting for a review, to meet the applicant’s deadlines.**

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

- D. Mineral Mining Committee: Conover stated this Item was continued to the May 1<sup>st</sup> Board of Commissioner’s meeting.
- E. Special Animal Keeping Regulations Committee. Conover noted that the committee is still meeting.



23. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

24. ADJOURNMENT

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

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

**The meeting adjourned at 9:29 a.m.**

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Travis Lasseter, Chairperson