

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 23, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Lori Litzen, Sonny Rivers, and Lloyd LaCroix.

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

ROLL CALL

1. APPROVAL OF THE APRIL 9, 2018, MINUTES
Moved by Litzen and seconded by Rivers to approve the Minutes of the April 9, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF AGENDA
Moved by Johnson and seconded by Rivers to approve the Agenda of the April 23, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Marsh and seconded by Rivers to approve the Consent Agenda of the April 23, 2018, Planning Commission meeting, with the removal of Items #3, #9, #10, and #14. Vote: unanimous 5 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.

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 April 9, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 12-18 with the following eight (8) conditions:

1. That the two (2) bedroom Vacation Home Rental be allowed up to eight (8) overnight guests and a maximum of twelve (12) day guests;
2. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than 162 square feet, nor less than nine feet (9') by eighteen feet (18'), surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address continue to be properly posted on both the residence and at the approach so it is visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicant complies with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
7. That the applicant continually complies with the Performance Standards outlined in § 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint, or as deemed necessary by the Planning Commission or Board of Commissioners to verify all Conditions are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-20:** Perry and Vicky Van Newkirk. To review a pole barn constructed prior to a residential structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 48 (includes 48A), Burns Placer 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 16-20 to the July 23, 2018, Planning Commission meeting.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-28:** Chace and Leslie Larsen. To review a Recreation Resort Area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

(Also in Section 28) Midway Fraction Lode MS 2014, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-28 with the following eighteen (18) conditions:

1. **That the uses of the Conditional Use Permit continue to be limited to four (4) seasonal rental cabins, an office/laundry facility, and the existing single-family residence to be used as the manager's residence;**
2. **That the rental cabins be allowed to operate from May through August of each year;**
3. **That the address assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way and Pink Cabin Road, in accordance with Pennington County's Ordinance #20;**
4. **That the address for the main house (23935 Pink Cabin Road) continue to be posted on the residence and so that it is visible from both directions of travel on Pink Cabin Road, in accordance to Pennington County's Ordinance #20;**
5. **That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310, which requires one (1) parking space per guest bedroom for each cabin;**
6. **That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of § 312 of the PCZO;**
7. **That the applicant maintain 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;**
8. **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;**
9. **That the property continually remains free of debris and junk vehicles and all structures be well-maintained;**

10. 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 PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
11. 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;
12. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
13. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
16. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
17. That quiet hours for the Recreation Resort be between 10 p.m. and 8 a.m.; and,
18. That this Conditional Use Permit be reviewed in one (1) year, 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 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-29:** Highmark, Inc. To review a contractor's storage yard on the subject property during the construction of the Rapid City Southside Sewer Line Project in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-29 with the following eleven (11) conditions:

1. That emergency contact information for the storage yard continue to be posted at the entrance of the storage yard;
2. That dust control measures continue to be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
3. That if chemicals, fuel, and refuse are stored on the site, and they have secondary containment;
4. That erosion control measures continue to be implemented around the site to prevent sediment leaving the site;
5. That tracking control measures continue to be implemented at the entrance/exit to Reservoir Road from the storage yard;
6. That adequate space is continually provided for parking in the storage yard;
7. That if the borrow area will equal or exceed 10,000 square feet of disturbance, that a Construction Permit is obtained;
8. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;
9. That measures are taken to ensure that the Cyclone Ditch is continually protected from sediment entering the ditch;
10. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;
11. That this Conditional Use Permit be reviewed in one (1) 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 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-07:** Conrad's Signs; Dvorak Real Estate Holdings - Owner. To review an internally, illuminated sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 2A of Lot 2, Strato Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-07 with the following six (6) conditions:

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

Vote: unanimous 5 to 0.

11. **CONSTRUCTION PERMIT REVIEW / CP 17-06:** City of Rapid City; Banner Associates – Agent. To install 6-inch, 8-inch and 12-inch water main to provide Rapid City potable water to the Valley View Estates Subdivision in accordance with Section 507 of the Pennington County Zoning Ordinance.

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

To end Construction Permit / CU 17-06 with the applicant's concurrence.

Vote: unanimous 5 to 0.

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

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

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

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

To recommend to continue Layout Plat / PL 17-38 to the August 13, 2018, Planning Commission meeting.

Vote: unanimous 5 to 0.

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

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

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

To recommend to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the August 13, 2018, Planning Commission meeting.

Vote: unanimous 5 to 0.

15. **LAYOUT PLAT / PL 18-07:** Kenneth Smith. To reconfigure lots lines to create Lot AR, Lot C, and Lot D of Block 2 in the Original Townsite of Caputa in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1-3; Lot A (replat of Lot 4-8 of Block 2); Lot 9-12; and Lot 1-3 RTY all located in Block 2, Original Townsite of Caputa, Section 9, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot AR; Lot C; and Lot D all located in Block 2, Original Townsite of Caputa, Section 9, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend to continue Layout Plat / PL 18-07 to the June 11, 2018, Planning Commission meeting.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

3. CONDITIONAL USE PERMIT REVIEW / CU 09-10: Tom Bodensteiner / Karl Bodensteiner. To review a Sawmill in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Unit 1, Bodensteiner Farm Condominium, Section 21, T2N, R8E, BHM, Pennington County, South Dakota.

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

Conover stated Staff had originally recommended to continue the review of Conditional Use Permit / CU 09-10 to the June 25, 2018, Planning Commission meeting to allow the applicant and staff more time to meet, but are now recommending to continue the review of Conditional Use Permit / CU 09-10 to the May 29, 2018, Planning Commission meeting at the request of the applicant.

Moved by Litzen and seconded by LaCroix to continue the review of Conditional Use Permit / CU 09-10 to the May 29, 2018, Planning Commission meeting at the request of the applicant.

All voting aye, the Motion carried 5 to 0.

9. 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.

(Continued from the April 9, 2018, Planning Commission meeting.)

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

Conover stated Staff is recommending approval of the extension of Construction Permit / CP 08-06 with twelve (12) conditions, with a recommended change in Condition #6 of the Conditions of Approval.

Conover further stated that Condition #6 is being amended to state: "That prior to start of any surface disturbance, any required permits from the Community Development Department of the City of Rapid City be obtained."

Discussion followed.

Moved by Johnson and seconded by Litzen to approve of the extension of Construction Permit / CP 08-06 with the following twelve (12) conditions:

1. That the applicant continues to maintain and update their Storm Water Construction Permit as disturbance activity changes on-site;
2. That erosion control measures continues to be implemented to prevent silt from leaving the applicant's property, erosion control measures be maintained on the area of the proposed driveway construction and the erosion control measures meet DENR requirements;
3. That the property be inspected by the owner of the property and/or contractor weekly during period of disturbance, within 24 hours following storm events of at least 0.5" or a snowmelt event that causes surface erosion; and, following completion of Final Stabilization and/or remediation
4. That if any work is done is within the extents of the 100-year floodplain, approval of a Floodplain Development Permit be obtained;
5. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
6. That prior to start of any surface disturbance, any required permits from the Community Development Department of the City of Rapid City be obtained;
7. That the applicant use existing approaches to the site;
8. That the rubble be limited to clean concrete debris, unless approval from the South Dakota Department Environment and Natural Resources is obtained and a copy of the document is provided to the Pennington County Planning and Zoning Department;
9. That the applicant continually maintain all required permits allowing for the use of clean fill and rubble with the South Dakota Department of Environment and Natural Resources;
10. That a Haul Road Agreement be obtained to haul material across County Roads;
11. That the Section Line Rights-of-Ways, between Sections 17, 18, 19 and 20 be closed for public use by the Board of Commissioners; and,
12. That this Mining Permit be reviewed at the September 10, 2018, Planning Commission meeting to verify that the Section Line Right-of-Way has been closed and on a complaint basis, or as directed by the Planning Commission or Board of Commissioners.

All voting aye, the Motion carried 5 to 0.

10. 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 April 9, 2018, Planning Commission meeting.)

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

Conover stated Staff is recommending approval of the extension of Construction Permit / CP 08-07 with twelve (12) conditions, with a recommended change in Condition #6 of the Conditions of Approval.

Conover further stated that Condition #6 is being amended to state: "That prior to start of any surface disturbance, any required permits from the Community Development Department of the City of Rapid City be obtained."

Discussion followed.

Moved by Johnson and seconded by Rivers to approve of the extension of Construction Permit / CP 08-07 with the following twelve (12) conditions:

- 1. That the applicant obtain a Storm Water Construction Permit for disturbing more than one (1) acre of soil from the Department of Environment and Natural Resources prior to the start of construction;**
- 2. That erosion control measures be implemented to prevent silt from leaving the applicant's property, erosion control measures be maintained on the area of the proposed driveway construction and the erosion control measures meet DENR requirements;**
- 3. That the property be inspected by the owner of the property and/or contractor weekly during period of disturbance, within 24 hours following storm events of at least 0.5" or a snowmelt event that causes surface erosion; and, following completion of Final Stabilization and/or remediation;**
- 4. That if any work is done is within the extents of the 100-year floodplain, approval of a Floodplain Development Permit be obtained;**
- 5. That any natural drainage ways and paths be continually maintained and culverts added, as necessary, in accordance with Pennington County Ordinance #14;**
- 6. That prior to start of any surface disturbance, any required permits from the Community Development Department of the City of Rapid City be obtained;**

7. **That the applicant will use existing approaches to the site;**
8. **That the rubble be limited to clean concrete debris, unless approval from the South Dakota Department Environment and Natural Resources is obtained and a copy of the document is provided to the Pennington County Planning and Zoning Department;**
9. **That the applicant continually maintain all required permits allowing for the use of clean fill and rubble with the South Dakota Department of Environment and Natural Resources;**
10. **That a Haul Road Agreement be obtained to haul material across County Roads;**
11. **That if any disturbance will occur in the Section Line Right-of-Way, between Sections 19 and 24 and/or Sections 18 and 19, that the Section Line Right-of-Way be closed by the Board of Commissioners prior to the disturbance; and,**
12. **That this Mining Permit be reviewed in five (5) years on a complaint basis, or as directed by the Planning Commission or Board of Commissioners.**

All voting aye, the Motion carried 5 to 0.

14. MINOR PLAT / PL 18-06: Edelweiss Mtn. Lodging; Fisk Land Surveying - Agent. To combine two lots to create Lot 31 Revised in Block E of MS 1016, Edelweiss Mountain Development in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

Staff asked to have this Item removed from the Consent Agenda to note that the applicant has applied to combine two lots into one lot, as noted on the Proposed Legal Description and Staff further recommended approval of Minor Plat / PL 18-06 with six (6) conditions.

Discussion followed.

Moved by Litzen and seconded by Rivers to approve of Minor Plat / PL 18-06 with the following six (6) conditions:

1. **That prior to the mylar plat being recorded with the Register of Deeds, the applicant make corrections to the Plat, per comments received by the Register of Deeds;**

2. **That prior to the mylar plat being recorded with the Register of Deeds, that all necessary requirements from the Subdivision Regulations are met, or Subdivision Regulations Waivers are obtained;**
3. **That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;**
4. **That the applicant continues to ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;**
5. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
6. **That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Minor Plat / PL 18-06. The SOU is available at the Planning Office.**

All voting aye, the Motion carried 5 to 0.

16. LAYOUT PLAT / PL 18-05: Laura Pankratz; Ken Nash – Agent. To create Lots 2, 3, 4, and 5 of Pankratz Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2SW1/4 Less NE1/4NE1/4SE1/4SW1/4, less Lot A of SW1/4SW1/4, less Lot 1 Pankratz Subd, less that PT of SW1/4SW1/4 lying N and W of Hwy Lots, less Lots H1, H2, H3 and ROW; NE1/4 NE1/4SW1/4SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2, 3, 4, and 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 2, 3, 4, and 5 of Pankratz Subdivision.

Staff recommended approval of Layout Plat / PL 18-05 with the following ten (10) conditions:

1. That at the time of Minor 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;
2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots and the unplatted remainder, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

3. That at the time of a Minor Plat submittal, the indicated “66’ Access Easement(s)” continue to appear on the Plat;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Minor 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;
8. That prior to the time of Minor Plat submittal, the applicant or landowner meet with the Pennington County Fire Coordinator to discuss the comment regarding the “turn-offs”;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-05. The SOU is available at the Planning Office; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Johnson and seconded by Litzen to approve of Layout Plat / PL 18-05 with the following ten (10) conditions:

- 1. That at the time of Minor 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;**
- 2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots and the unplatted remainder, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That at the time of a Minor Plat submittal, the indicated “66’ Access Easement(s)” continue to appear on the Plat;**

4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Minor 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;
8. That prior to the time of Minor Plat submittal, the applicant or landowner meet with the Pennington County Fire Coordinator to discuss the comment regarding the "turn-offs";
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-05. The SOU is available at the Planning Office; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 5 to 0.

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

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

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

Riddering reviewed the Staff Report indicating indicating the applicant has applied to amend an existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental.

Staff recommended denial of Major Planned Unit Development Amendment / PU 18-01, as it goes against Section 319 of the Zoning Ordinance, which only allows a maximum of five (5) bedrooms for a Vacation Home Rental Unit and the subject property does not have adequate parking area for eighteen (18) overnight guests.

If the Planning Commission chooses to approve Major Planned Unit Development Amendment / PU 18-01, staff recommended the following twenty-one (21) conditions be included:

1. That the applicant does not commence operation until after obtaining an approved Variance to §319 of the PCZO to allow for the seven (7) bedroom Vacation Home Rental;
2. That prior to operation, the applicant and/or landowner obtain a license from the 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;
3. That prior to operation the Vacation Home Rental designate seven (7) off-street parking spaces in such a manner that does not block or obstruct any means of ingress or egress to and from the residence and subject property with each parking space measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
4. That the residence remain garbage disposal free or the landowner must increase the tank capacity to accommodate the increase wastewater;
5. That the subject property remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
6. That the Picnic Pavilion obtain an approved Floodplain Development Permit;
7. That if encroachments are located on National Forest System lands and adjacent to Lot 43, the land owner of record has the responsibility to remove all personal property and real property from National Forest System lands at the landowners' expense per the email from the U.S. Forest Service;
8. That no additional trails shall be constructed onto National Forest Service Lands without obtain permission from U.S. Forest Service;
9. That the number of nightly guests shall not exceed eighteen (18) people per DENR approval;
10. That the lot address (112293 Deerfield Road) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Deerfield Road, in accordance with Pennington County's Ordinance #20;
11. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;

12. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a current copy of said plan be kept on file at the Planning Department;
13. That an interior informational sign 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;
14. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319-F (Performance Standards) at all times;
15. That if the person designated as the Local Contact is ever changed from Sheralin Groves, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
16. 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;
17. 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;
18. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
19. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject property;
20. That the landowner signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Major Planned Unit Development Amendment / PU 18-01; and,
21. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and seconded by Johnson to continue Major Planned Unit Development Amendment / PU 18-01 to May 14, 2018, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

18. CONDITIONAL USE PERMIT / CU 18-04: Shelby Johnson and Jakob Woodland. To allow for a Specialty/Recreational Resort and event venue to include: music events, weddings, markets, seasonal festivities, community events, festivals, rental space, tent rental, bed and breakfast, vacation rental, and art retail store in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

S1/2SW1/4; Section 21, T2N, R17E, BHM, Pennington County, South Dakota.

Riddering indicated that the applicants have applied for a Conditional Use Permit to allow a Specialty/Recreational Resort and event venue on the subject property. Staff had originally recommended denial of Conditional Use Permit / CU 18-04, based upon Kelly Hill Road not being able to handle the amount of proposed increased use, as well as insufficient information submitted with regards to the various proposed uses for the subject property; but staff is now recommending to continue Conditional Use Permit / CU 18-04 to the May 29th Planning Commission meeting to allow Staff and the applicants more time to meet.

Discussion followed.

Moved by Litzen and seconded by Rivers to continue Conditional Use Permit / CU 18-04 to the May 29, 2018, Planning Commission meeting to allow Staff and the applicants more time to meet.

All voting aye, the Motion carried 5 to 0.

19. ORDINANCE AMENDMENT / OA 18-04: Ernest Getty / Tina Mulally. To amend Section 204-J-2 “Operating Permit”; Section 204-J-3-P “Service Providers/Liquid Waste Pumpers/Requirements”; Section 204-J-3-Q-v “Following the completion of the final evaluation by Pennington County, the system will then be registered with the County and an Operating Permit issued”; and Section 204-J-4 “Exemption for Operating Permit” of the Pennington County Zoning Ordinance.

Conover reviewed the Staff Report indicating the applicants have applied for an Ordinance Amendment to amend Section 204-J-2 “Operating Permit”; Section 204-J-3-P “Service Providers/Liquid Waste Pumpers/Requirements”; Section 204-J-3-Q-v “Following the completion of the final evaluation by Pennington County, the system will then be registered with the County and an Operating Permit issued”; and Section 204-J-4 “Exemption for Operating Permit” of the Pennington County Zoning Ordinance.

Staff recommended denial of Ordinance Amendment / OA 18-04.

Discussion followed.

Moved by Johnson and seconded by Litzen to deny Ordinance Amendment / OA 18-04.

All voting, the Motion carried 4 to 1. Commissioner Lasseter voted no.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 9, 2018, Planning Commission meeting, with the exception of Planned Unit Development 16-03 (Dan & Nancy Evangelisto). This item was continued to the May 15, 2018, Board of Commissioner's meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

- A. Planning Commission Openings. Conover spoke of the two upcoming openings on the Planning Commission.
- B. Building Permits – Landowners Signing. Conover discussed the possibility of a landowner also signing the Building Permit application, if a contractor, etc. applies for the Building Permit.
- C. May 14th Planning Commission meeting. Conover noted that there are several submittal applications to be heard at this meeting.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Litzen stated she will be appearing by Skype for the May 14th PC meeting.

24. ADJOURNMENT

Moved by Litzen and seconded by Rivers to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 10:50 a.m.

Travis Lassetter, Chairperson