

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 14, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE APRIL 23, 2018, MINUTES

Moved by Marsh and seconded by McCollam to approve the Minutes of the April 23, 2018, Planning Commission meeting. Roll Call Vote: Litzen – aye, Marsh – aye, Buskerud – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - aye. Roll Call Vote: unanimous 7 to 0.

2. APPROVAL OF AGENDA

Moved by Johnson and seconded by Buskerud to approve the Agenda of the May 14, 2018, Planning Commission meeting. Litzen – aye, Marsh – aye, Buskerud – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - aye. Roll Call Vote: unanimous 7 to 0.

Moved by Rivers and seconded by Marsh to approve the Consent Calendar of the May 14, 2018, Planning Commission meeting, with the removal of Item #4. Litzen – aye, Marsh – aye, Buskerud – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - aye. Roll Call Vote: unanimous 7 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 91-07:** S.D. Annual Conf. of United Methodist. To review an organized group camp in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Oregon Lode MS 2049, Section 15, T1S, R6E, Alaska Lode MS 2049, Section 15, T1S, R6E, (also in Section 10); Arizona Lode MS 2049, Section 15, T1S, R6E, (also in Section 14); Dan Patch Lode MS 2049, Nevada Lode MS 2049, Section 14, T1S, R6E, (also in Section 15); Gold Dust Lode MS 2049, Section 14, T1S, R6E, (also in Section 15); Idaho

Lode MS 2049, Section 15, T1S, R6E, (also in Section 14), all in BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 91-07 with the following three (3) conditions:

- 1. That, a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That an updated site plan be provided so that all occupied structures be properly addressed and assigned unit numbers and be posted in accordance with Pennington County Ordinance #20.**
- 3. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

- 5. CONDITIONAL USE PERMIT REVIEW / CU 92-42: Sunnyside Mobile Home Court. To review a mobile home park in a Suburban Residential District in accordance with Sections 208-C-2 and 510 of the Pennington County Zoning Ordinance.**

Lot B of Lot 1 of Lot B less N600.236 feet in W1/2NE1/4; Lot A of Lot 1 of Lot B in W1/2NE1/4; Lot A of Lot 2 of Lot B less N600.236 feet in W1/2NE1/4; Tract 2 of Lot 2 of Lot B in SW1/4NE1/4; SE1/4NE1/4 including the private lane in the SE1/4NE1/4 and NE1/4SE1/4 less Lot A of SE1/4NE1/4 and NE1/4SE1/4 and Less L.

To continue the review of Conditional Use Permit / CU 92-42 to the June 25, 2018, Planning Commission.

Vote: unanimous 7 to 0.

- 6. CONDITIONAL USE PERMIT REVIEW / CU 15-24: Founding Fathers, LLC / Don Perdue. To review a bell tower sign to be 50 feet tall with the total height of the letters to be 35 feet tall in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.**

Lot A of SW1/4SW1/4; Lot A1 of Lot H2 of SW1/4SW1/4; Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-24 with the following five (5) conditions:

- 1. 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;**

2. That a Sign Permit be obtained for any sign on the subject property and must conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
3. That all on-premise signs continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
4. That only on-premise advertising and public information be allowed on the bell tower sign, COSP15-0017, and no off-premise advertising be allowed unless otherwise permitted with Pennington County through approval of an approved Conditional Use Permit; and,
5. That this Conditional Use Permit be reviewed in one (1) year, 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 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-02:** Western Construction. To review a temporary portable asphalt batch plant and stockpile site on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; E1/2NW1/4; GL1 Less Lot A and Less ROW; E1/2SW1/4; SE1/4; GL3 LESS LOT 5; GL4 Less Lot 5, Less Lots 1, 2, 3 and Less ROW, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 17-02 with the applicant's concurrence.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-09:** Wesley and Carrie Mentele. 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 6, Melchert Ranch Subdivision, Section 15, T2N, R3E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-09 the following with sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);

2. 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;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License);
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of 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;
7. 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;
8. That the lot address (11524 Melchert Place) 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 Melchert Place, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Glenda Robertson, 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;
11. That the proper permits be obtained prior to utilizing the fire pit on the property and all fire restrictions be followed at all times;

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 Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed at the April 22, 2019, Planning Commission meeting, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-14:** David and Laura Jones. 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.

Lot 1, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-14 with the following nine (9) 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 property (13630 Twisted Oak Trail) be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from Twisted Oak Trail, in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence continue to be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;

4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That the subject property continually remains free of debris and junk vehicles, in accordance with Ordinance #106;
6. 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;
7. That upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended; and,
9. 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 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-46:** Matt and Donna Bowen. To review living in an existing residence while building a new single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2; S1/2SE1/4 Less Lot H1, Section 36, T2S, R13E, BHM, Pennington County, South Dakota.

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

To approve of the extension of Conditional Use Permit / CU 17-46 with the following eleven (11) 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 Bear Creek Road, 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 General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That should the approach for the new single-family residence differ from the existing approach, the applicant must obtain a new Approach Permit from the Highway Department, prior to approval of a Building Permit for the new single-family residence;
6. That upon completion of the new single-family residence, the double-wide mobile home is removed from the property;
7. That the applicant notify the Planning Department when the new single-family residence is habitable and allow staff to verify that the double-wide mobile home is removed from the subject property;
8. That a Removal Permit be obtained prior to removing the double-wide mobile home from the subject property;
9. That the single-family residence and existing double-wide mobile home never utilize the existing septic system at the same time;
10. That the property is kept free of junk and debris; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, Planning Commission, and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

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

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

To approve of the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;

2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28, 2018 to January 1, 2019 from the hours of 7 a.m. to 12 a.m.;
3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,
10. That this Conditional Use Permit be reviewed at the May 13, 2019, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-05:** Harry and Rosina Hilgemann; Bret Hilgemann – Agent. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 204-D, 208, and 510 of the Pennington County Zoning Ordinance.

Parcel C less Lots H1 and H2 and less 40-foot-wide dedicated right-of-way, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-05 with the following twelve (12) conditions:

- 1. That one of the recommended emergency vehicle turn-arounds, be constructed at each residence, prior to the issuance of the Building Permit for the caretaker's residence;**
- 2. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted, in accordance with Pennington County's Ordinance #20;**
- 3. That a new operating permit be obtained for the existing Onsite Wastewater Treatment System, no later than July 1, 2018;**
- 4. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System to serve the caretaker's residence and prior to construction or installation of the proposed caretaker's residence;**
- 5. That use of the outhouse, if existing, cease and the hole be filled in and verified by Planning and Zoning Staff, or a Vault privy be placed underneath the outhouse structure which would require approval from the County Environmental Planner;**
- 6. That an approved Building Permit be obtained for the caretaker's residence and 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;**
- 7. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 8. That the subject property remains free of debris and junk vehicles;**
- 9. That an updated doctor's note be provided during each review of Conditional Use Permit / CU 18-05;**
- 10. That once care is no longer needed for Rosira Hilgemann and Harry Hilgemann, either the existing residence or the caretaker's residence be removed from the subject property or the subject property be subdivided so that each residence is on a separate lot;**
- 11. That the applicant and landowners sign the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-05, which is available at the Planning Office; and,**
- 12. 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 7 to 0.

- 13. CONDITIONAL USE PERMIT / CU 18-06:** Milbert and Lila Rohrbach. To replace an existing single-wide with a newer single-wide mobile home (#C), to allow for an existing single-wide mobile home to remain as storage space (#A), and to allow for the existing double-wide mobile home to remain as a rental unit on the subject property (#B) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot W 165 feet of W1/2 of Lot 3 less N10 feet; Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-06 with the following ten (10) conditions:

- 1. That a Building Permit be obtained for the proposed replacement single-wide mobile home (2156 Plateau Lane #C), prior to any work being done;**
- 2. That the replacement single-wide mobile home (2156 Plateau Lane #C) and existing double-wide mobile home (2156 Plateau Lane #B) are assigned individual addresses and must be posted in accordance with Pennington County Ordinance #20.**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 4. That the subject property remains free of debris and junk vehicles;**
- 5. That the replacement single-wide mobile home (2156 Plateau Lane #C) installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
- 6. 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;**
- 7. That once the existing double-wide mobile home (2156 Plateau Lane #B) is either inhabitable or no longer occupied, it be removed from the subject property;**
- 8. That once the Rohrbachs no longer own the subject property, the single-wide mobile home (2156 Plateau Lane #A) be removed, as well as the existing double-wide mobile home (2156 Plateau Lane #B) be removed from the subject property;**

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 18-06; 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 7 to 0.

14. **CONSTRUCTION PERMIT / CP 18-04:** Stromer Properties, LLC; Brook Stromer – Agent. To construct a parking area on the subject property.

Lot A2, Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 18-04 with the following seven (7) conditions:

1. That a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during 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 disturbed areas be re-vegetated as required in §507(A)(5)(c);
5. That all natural drainage ways and paths be continually maintained;
6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
7. 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 and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

- 15. CONSTRUCTION PERMIT / CP 18-05:** Under Canvas, Inc. (UC Glamping Partners, LLC); Jeremy Budge – Agent. To gravel roadways, cart paths, and parking areas on the subject property.

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

To approve of Construction Permit / CP 18-05 with the following eight (8) conditions:

- 1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
- 5. That the disturbed areas be re-vegetated as required in § 507-(A)(5)(c);**
- 6. That all natural drainage ways and paths be continually maintained;**
- 7. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,**
- 8. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

Vote: unanimous 7 to 0.

16. **MINOR PLAT / PL 18-11:** Douglas Norberg; Buckhorn Surveying – Agent. To reconfigure lot lines to create Tract 1 and Tract 2 of Sonquest Subdivision in accordance with Section 400.3 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 1 and Tract 2 of Sonquest Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor / PL 18-11 with the following ten (10) conditions:

1. **That prior to the Plat being recorded with the Register of Deeds, the plat heading and certificates be changed in accordance with the Director of Equalization's comments;**
2. **That prior to the Plat being recorded with the Register of Deeds, 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 prior to the Plat being recorded with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Tract 2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
4. **That prior to the Plat being recorded with the Register of Deeds, 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 prior to the Plat being recorded with the Register of Deeds, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;**
6. **That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;**
7. **That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
8. **That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;**
9. **That the applicant adhere to all comments provided by the Forest Service; and,**

10. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-11, which is available at the Planning Office.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

4. 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.

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

Commissioner Johnson asked to have this Item removed from the Consent Calendar to discuss the continued date as noted on the Agenda.

Staff stated the Item was continued from the April 9, 2018, Planning Commission meeting.

Moved by Johnson and seconded by McCollam to approve of the extension of Conditional Use Permit / CU 91-59 with the following five (5) conditions:

1. That the property owner obtain an Operating Permit and pay the appropriate fees within thirty (30) days of approval;
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 property continue to be kept clear of debris and inoperable automobiles;
4. That the applicant sign a new Statement of Understanding within fourteen (14) days of approval; and,
5. That this Conditional Use Permit be reviewed at the June 23, 2018, Planning Commission meeting, to verify that all conditions are being met, 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.

Roll Call Vote: Litzen – aye, Marsh – aye, Buskerud – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - aye. Motion carried 7 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 April 23, 2018, Planning Commission meeting.)

Riddering stated this Item had been continued from the April 23, 2018, Planning Commission meeting in order for the applicant to address concerns of Staff and the Planning Commission.

Staff recommended denial of Major Planned Unit Development Amendment / PU 18-01, as there is not adequate parking area for eighteen (18) overnight guests and that there are seven (7) bedrooms instead of the five (5) allowed bedrooms for a Vacation Home Rental.

If the Planning Commission chooses to approve Major Planned Unit Development Amendment / PU 18-01, staff recommends the following twenty-eight (28) conditions be included:

1. That the Planned Unit Development consist of four (4) lots with one (1) vacation home and accessory structure on each lot, and one (1) picnic pavilion on Lot 43, with all structures being stick built;
2. That the setbacks for the planned Unit Development be 25 feet from all property lines;
3. That each unit has smoke/heat detectors, fire extinguishers and two means of escape;
4. That a minimum of one (1) parking space per bedroom be provided for each Vacation Home Rental measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;

6. That prior to construction or dirt work within the 100-year floodplain the applicant must obtain approval of a Floodplain Development Permit;
7. That no drainfield be located within the areas designated as 100-year floodplain;
8. That the internal roads and parking spaces be maintained in a dust free manner;
9. That the applicant properly posts the addresses in compliance with Ordinance No. 20;
10. That prior to operation, the applicant provide proof showing that only five (5) bedrooms are accessible for the Vacation Home Rental Unit on Lot 43;
11. That the dwelling on Lot 43 is rented as one (1) Vacation Home Rental Unit to one (1) family at a time and is not occupied by the property owner at the time of rental, and if both units are utilized separately as Vacation Home Rental Units, an additional Major Planned Unit Development Amendment must be obtained to allow a multi-family Vacation Home Rental Unit prior to operation;
12. That prior to operation, the applicant and/or landowner of the Lot 43 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;
13. That prior to operation, the Vacation Home Rental, on Lot 43, designate five (5) 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;
14. That the residence on Lot 43 remain garbage disposal free or the landowner must increase the septic tank capacity to accommodate the increase wastewater;
15. That Lot 43 remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
16. That if encroachments are located on National Forest System lands and adjacent to Lot 43, the landowner 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;
17. That no additional trails shall be constructed onto National Forest Service Lands without obtaining permission from the U.S. Forest Service;
18. That, for Lot 43, the number of nightly guests shall not exceed fourteen (14) people per § 319(F)(1), with the number of day guests at a maximum of eighteen (18) people, based on the DENR approval letter;

19. That the Lot 43 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;
20. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
21. 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;
22. That an interior informational sign be posted in the residence on Lot 43, 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;
23. That the applicants ensure the Vacation Home Rental on Lot 43 is operated in accordance with the requirements of PCZO § 319-F (Performance Standards) at all times;
24. That if the person designated as the Local Contact for Lot 43 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;
25. 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;
26. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
27. That the landowner of Lot 43 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,
28. 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 McCollam and Rivers to approve of Major Planned Unit Development Amendment / PU 18-01 with the following twenty-nine (29) conditions:

1. That the Planned Unit Development consist of four (4) lots with one (1) vacation home and accessory structure on each lot, and one (1) picnic pavilion on Lot 43, with all structures being stick built;
2. That the setbacks for the planned Unit Development be 25 feet from all property lines;
3. That each unit has smoke/heat detectors, fire extinguishers and two means of escape;
4. That a minimum of one (1) parking space per bedroom be provided for each Vacation Home Rental measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That prior to construction or dirt work within the 100-year floodplain the applicant must obtain approval of a Floodplain Development Permit;
7. That no drainfield be located within the areas designated as 100-year floodplain;
8. That the internal roads and parking spaces be maintained in a dust free manner;
9. That the applicant properly posts the addresses in compliance with Ordinance No. 20;
10. That prior to operation, the applicant provide proof showing that only five (5) bedrooms are accessible for the Vacation Home Rental Unit on Lot 43;
11. That the dwelling on Lot 43 is rented as one (1) Vacation Home Rental Unit to one (1) family at a time and is not occupied by the property owner at the time of rental, and if both units are utilized separately as Vacation Home Rental Units, an additional Major Planned Unit Development Amendment must be obtained to allow a multi-family Vacation Home Rental Unit prior to operation;
12. That prior to operation, the applicant and/or landowner of the Lot 43 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;
13. That prior to operation, the Vacation Home Rental, on Lot 43, designate five (5) 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;

14. That the residence on Lot 43 remain garbage disposal free or the landowner must increase the septic tank capacity to accommodate the increase wastewater;
15. That Lot 43 remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
16. That if encroachments are located on National Forest System lands and adjacent to Lot 43, the landowner 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;
17. That no additional trails shall be constructed onto National Forest Service Lands without obtaining permission from the U.S. Forest Service;
18. That, for Lot 43, the number of nightly guests shall not exceed fourteen (14) people per § 319(F)(1), with the number of day guests at a maximum of eighteen (18) people, based on the DENR approval letter;
19. That the Lot 43 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;
20. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
21. 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;
22. That an interior informational sign be posted in the residence on Lot 43, 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;
23. That the applicants ensure the Vacation Home Rental on Lot 43 is operated in accordance with the requirements of PCZO § 319-F (Performance Standards) at all times;

24. That if the person designated as the Local Contact for Lot 43 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;
25. 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;
26. That prior to operation, a Fire Mitigation Plan shall be submitted for review and approval by the Planning Director and the County Fire Administrator or jurisdictional entity;
27. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
28. That the landowner of Lot 43 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,
29. 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.

Roll Call Vote: Litzen – aye, Marsh – no, Buskerud – aye, Lasseter – aye, Johnson – no, McCollam – aye, and Rivers - aye. Motion carried 5 to 2.

18. MINOR PLAT / PL 18-10 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-03: Kerri and Sabrina Johnston. To combine three lots in order to create Lot 1 of Johnston Subdivision and to waive platting requirements in accordance with § 400.3 and 700.1 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.

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

Staff recommended denial of Subdivision Regulations Variance / SV 18-03 to waive the requirement to construct a turnaround; and approval of Minor Plat / PL 18-10 with the following eleven (11) conditions:

1. That the plat heading, drawing, and certificates be changed in accordance with the Register of Deeds comments, prior to filing the Plat with the Register of Deeds;
2. That prior to filing the Plat with the Register of Deeds, 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 prior to filing the Plat with the Register of Deeds, 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;
4. That a vehicle turnaround that meets the size requirements of the Pennington County Subdivision Regulations be dedicated on the plat, or an approved Subdivision Regulations Variance be obtained;
5. That prior to filing the Plat with the Register of Deeds, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
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 address assigned to the proposed Lot 1 of Johnston Subdivision be posted in accordance with Pennington County Ordinance #20;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. That the applicant adhere to all comments provided by the Forest Service; and,
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-10, which is available at the Planning Office.

Discussion followed.

Moved by Marsh and seconded by Buskerud to deny Subdivision Regulations Variance / SV 18-03 to waive the requirement to construct a turnaround.

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

Moved by Marsh and seconded by Litzen to approve of Minor Plat / PL 18-10 with the following eleven (11) conditions:

- 1. That the plat heading, drawing, and certificates be changed in accordance with the Register of Deeds comments, prior to filing the Plat with the Register of Deeds;**
- 2. That prior to filing the Plat with the Register of Deeds, 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 prior to filing the Plat with the Register of Deeds, 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;**
- 4. That a vehicle turnaround that meets the size requirements of the Pennington County Subdivision Regulations be dedicated on the plat, or an approved Subdivision Regulations Variance be obtained;**
- 5. That prior to filing the Plat with the Register of Deeds, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 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 address assigned to the proposed Lot 1 of Johnston Subdivision be posted in accordance with Pennington County Ordinance #20;**
- 9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 10. That the applicant adhere to all comments provided by the Forest Service; and,**
- 11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-10, which is available at the Planning Office.**

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

19. 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 March 26, 2018, Planning Commission meeting.)

Waisath reviewed that this Item was continued from the March 26, 2018, Planning Commission meeting to address concerns of Staff and the Planning Commission.

Staff recommended to end Conditional Use Permit / CU 16-27.

Discussion followed.

Moved by Marsh and seconded by Rivers to continue the review of Conditional Use Permit / CU 16-27 to the May 29, 2018, Planning Commission meeting to allow the applicants and the new Local Contact to send updated letters to surrounding property owners with the new updated Local Contact information.

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

20. 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 March 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 recommended approval of the extension of Conditional Use Permit / CU 17-10 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);

2. That if an addition 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;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a current copy of said plan be kept on file at the Planning Department;
6. 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;
7. 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;
8. 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;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from either Maurice Crowley or Sonja Crowley, 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;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;

12. That an approved 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;
13. 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,
14. 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 Litzen and seconded by Johnson to approve of the extension of Conditional Use Permit / CU 17-10 with the following fourteen (14) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That if an addition 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;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;**
- 5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a current copy of said plan be kept on file at the Planning Department;**
- 6. 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;**
- 7. 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;

8. 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;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from either Maurice Crowley or Sonja Crowley, 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;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved 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;
13. 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,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Roll Call Vote: Litzen – aye, Marsh – aye, Buskerud – no, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - aye. Motion carried 6 to 1.

21. 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 March 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 recommended approval of the extension of Conditional Use Permit / CU 17-11 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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);
2. 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;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign 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;
8. 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;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

10. That if the person designated as the Local Contact is ever changed from Gerard Mlinar, 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;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved 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;
13. 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,
14. 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 Johnson and seconded by McCollam to approve of the extension of Conditional Use Permit / CU 17-11 with the following fourteen (14) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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);**
- 2. 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;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;**
- 5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate**

guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;

6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign 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;
8. 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;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Gerard Mlinar, 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;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved 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;
13. 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,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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

22. LAYOUT PLAT / PL 18-08: TDG Real Estate; Michael Gennaro – Agent. To create Tracts 1 and 2 of Hermosa Lode MS 1111 and Lots 1 and 2 of Glendale No. 3 Lode MS 1111 in accordance with § 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (also in Sec. 14) of Hermosa Lode MS 1111 and All (in Sec. 14) of Glendale #3 Lode MS 1111, all located in Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 1 and 2 of Hermosa Lode MS 1111 and Lots 1 and 2 of Glendale No. 3 Lode MS 1111, all located in Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Tracts 1 and 2 of Hermosa Lode MS 1111 and Lots 1 and 2 of Glendale No. 3 Lode MS 1111.

Staff recommended approval of Layout Plat / PL 18-08 with the following eighteen (18) conditions:

1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time of new Plat submittal, the Plat heading and proposed legal descriptions be corrected in accordance with Register of Deeds comments;
3. That at the time of new Plat submittal, the Owner's Certificate be corrected to include the Owner's name and the notary acknowledgment be set up correctly for an LLC;
4. That at the time of new Plat submittal, the Certificate of the Planning Director be removed;
5. That at the time of new Plat submittal, the Auditor's Certificate be corrected in accordance with § 400.3-3(a) of the Pennington County Subdivision Regulations;
6. That at the time of new Plat submittal, the Plat be lengthened to 2-pages, in order to allow better readability and space for appropriate stamps;
7. That at the time of new Plat submittal, the 30' Access Easement be notated with regard to if it already exists (including the appropriate book and page numbers or document number) or is being created by this Plat;
8. That at the time of new Plat submittal, the location of the 30' Access Easement and the location of the existing road within the Easement be verified to ascertain if either crosses onto National Forest System lands;
9. That at the time of new Plat submittal, a shared approach for the two lots on the south side of Oak Meadows Road be dedicated on the Plat and a "non-access

easement” be shown along the remaining frontage of Oak Meadows Road to prevent further accesses, per County Highway comments;

10. 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;
11. That at the time of new Plat submittal, the spelling error in the Note regarding the Flood Hazard Area be corrected to “June” rather than “Nune”;
12. That at the time of new Plat submittal, the plat be scaled at not more than 1” = 100’, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
13. That at the time of new Plat submittal, the plat meets all 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;
14. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
15. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
16. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
17. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-08, which is available at the Planning Office; and,
18. 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 Marsh and seconded by McCollam to approve of Layout Plat / PL 18-08 with eighteen (18) conditions.

Roll Call Vote: Litzen – no, Marsh – aye, Buskerud – no, Lasseter – no, Johnson – no, McCollam – aye, and Rivers - aye. Motion to approve failed 4 to 3.

23. CONDITIONAL USE PERMIT / CU 18-07: Tim McTavish. To allow for five (5) illuminated, on-premise signs 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 3, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for five (5) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District.

Staff recommended approval of Conditional Use Permit / CU 18-07 with the following six (6) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, 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 applicant obtain a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the signs continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-07, which is available at the Planning Office; and,
6. 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 County Board of Commissions to verify that all Conditionals of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Buskerud to approve of Conditional Use Permit / CU 18-07 to allow for only three (3) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit (proposed lighted signs designated for area A, B, and C only from the applicant's site plan) with six (6) conditions.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Johnson and seconded by Marsh to continue Conditional Use Permit / CU 18-07 to May 29, 2018, Planning Commission meeting to allow the applicant to be at the meeting to address concerns of the Planning Commission.

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

24. PRELIMINARY PLAT / PL 18-09 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-02: Eric and Heidi Henriksen; Sperlich Consulting – Agent. To create Lots 1-10 of Bromegrass Subdivision and to waive platting requirements in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Gov't Lot 1 less .73 ac Platted into Hook J Subdivision; Gov't Lot 2; SE1/4; SE1/4SW1/4; less ROW; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL Lots 1-10, Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat and Subdivisions Regulations Variance to create Lots 1-10 of Bromegrass Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 18-02 to waive submittal of (1.) To not perform percolation tests and provide soil profile information; and, (2.) To not improve the Section Lines located on the southern property line of proposed Lot 7 and the northern property lines of proposed Lots 1, 8, and 9 of Bromegrass Subdivision; and approval of approval of Preliminary Plat / PL 18-02 with the following seventeen (17) conditions:

- 1 That prior to approval for Building Permits for any residential structures larger than 3,600 square feet, that prior to Building Permit approval, a residential sprinkler system design and Fire Mitigation Plan shall be submitted for review and approval by the Planning Director and the County Fire Administrator or jurisdictional entity. The system may need approval after installation by a qualified professional;
2. That prior to the Final Plat being recorded with the Register of Deeds, either Lot Size Variance(s) or Rezone(s) and Comprehensive Plan Amendment(s) are approved for the proposed lots;
3. That prior to submittal of a Final Plat, the necessary corrections to the proposed Plat, per comments contained in this Staff Report, be made;

4. That at the time of Final Plat submittal, a minimum of eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Final Plat submittal, the applicant submits percolation tests and soil profile information for all the proposed lots to be reviewed and approved by the County Environmental Planner, or a Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Final Plat submittal, the plat application meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That the Certifications on the plat continue to be in accordance with Section 400.3(n) of the Pennington County Subdivision Regulations;
8. That at the time of Final Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
9. That the address be properly posted on any future residence(s) constructed on the proposed lots and be posted, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
11. That an approved Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject properties;
12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
13. That all new construction on the existing and proposed properties be in conformity with FAA Regulations and Section 301 (Airport Height and Hazard Zoning) of the Pennington County Zoning Ordinance;
14. That at the time of a Final Plat submittal, access easement(s) for proposed Lots 9, 10, the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4 be shown on the plat;
15. 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;

16. That any permits that are determined to be required prior to the submittal of a Final Plat, shall be subject to Section 511(W) of the Pennington County Zoning Ordinance; and,
17. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Preliminary Plat / PL 18-09. The SOU is available at the Planning Office.

Discussion followed.

Commissioner Buskerud left the meeting at 11:09 a.m.

Moved by Johnson and seconded by Marsh to deny Preliminary Plat / PL 18-09.

Roll Call Vote: Litzen – aye, Marsh – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - no. Motion to deny carried 5 to 1.

Moved by Marsh and seconded by Johnson to approve of Subdivision Regulations Variance / SV 18-02 to waive submittal of (1.) To not perform percolation tests and provide soil profile information; and, (2.) To not improve the Section Lines located on the southern property line of proposed Lot 7 and the northern property lines of proposed Lots 1, 8, and 9 of Bromegrass Subdivision.

Roll Call Vote: Litzen – aye, Marsh – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - aye. Motion carried 6 to 0.

25. REZONE / RZ 18-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-02: Eric and Heidi Henriksen; Sperlich Consulting – Agent. To rezone 15.052 acres and 3.385 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 and Limited Agriculture District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

To rezone 47.671 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

LEGAL DESCRIPTION: To rezone 15.052 acres from General Agriculture District to Low Density Residential District on the following metes and bounds description more fully described as follows: Commencing at the Southeast Corner of Section 2, T1S, R9E, B.H.M., Pennington County; Thence, N89°56'29" W a distance of 33.09 feet; Thence, N00°04'49" E, a distance of 1767.14 feet; Thence, N00°04'49" E a distance of 637.70 feet; Thence N00°04'49" E a distance of 148.14 feet, to the Point of Beginning; Thence, first course: N89°11'14" W, a distance of 162.53 feet; Thence, second course: S17°33'43" W, a distance of 143.19 feet; Thence, third course: N89°11'14" W, a distance of 264.87 feet; Thence, fourth course: S33°16'24" W, a distance of 295.03 feet; Thence, fifth course: S00°33'47" E, a distance of 260.42 feet; Thence, sixth course: S67°50'06"

E, a distance of 87.94 feet; Thence, seventh course: S00°05'25" W, a distance of 252.17 feet; Thence, eighth course: N89°56'29" W, a distance of 525.64 feet; Thence, ninth course: S00°03'31" W, a distance of 518.77 feet; Thence, tenth course: N89°56'29" W, a distance of 588.00 feet; Thence, eleventh course: N33°06'41" W, a distance of 440.69 feet; Thence, twelfth course: N33°06'41" W, a distance of 43.68 feet; Thence, thirteenth course: along said curve of length 124.86 feet with a Chord Bearing of N24°16'04" W and a Chord Distance of 124.37 feet and a delta angle of 17°41'13" and a radius of 404.49 feet; Thence, fourteenth course: along said curve of length 109.53 feet with a Chord Bearing of N07°40'01" W and a Chord Distance of 109.19 feet and a delta angle of 15°30'53" and a radius of 404.49 feet; Thence, fifteenth course: N00°05'20" E, a distance of 469.66 feet; Thence, sixteenth course: N00°04'49" E, a distance of 83.59 feet to the point of Beginning Said Parcel contains 655,665 square feet or 15.052 acres more or less; and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Low Density Residential District; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

LEGAL DESCRIPTION: To rezone 3.385 acres from General Agriculture District to Low Density Residential District on the following metes and bounds description more fully described as follows: Commencing at the Southeast Corner of Section 2, T1S, R9E, B.H.M., Pennington County; Thence, N89°56'29" W a distance of 33.09 feet; Thence, N00°04'49" E, a distance of 1767.14 feet, to the Point of Beginning; Thence, first course: S89°54'41" E, a distance of 295.34 feet; Thence, second course: S00°05'19" W, a distance of 250.00 feet; Thence, third course: S31°58'23" W, a distance of 294.39 feet; Thence, fourth course: S00°05'19" W, a distance of 137.72 feet; Thence, fifth course: N89°54'41" W, a distance of 139.74 feet; Thence, sixth course: N00°04'49" E, a distance of 637.70 feet to the point of Beginning Said Parcel contains 147,451 square feet or 3.385 acres more or less; and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Low Density Residential District Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

LEGAL DESCRIPTION: To rezone 47.671 acres from General Agriculture District to Limited Agriculture District on the following metes and bounds description more fully described as follows: Commencing at the Northwest Corner of Gov't Lot 2, T1S, R9E, B.H.M., Pennington County, to the Point of Beginning; Thence, first course: N89°56'29" W, a distance of 1681.12 feet; Thence, second course: S00°03'31" W, a distance of 518.17 feet; Thence, third course: N89°56'29" W, a distance of 525.64 feet; Thence, fourth course: S00°05'25" W, a distance of 252.17 feet; Thence, fifth course: S81°19'12" E, a distance of 269.72 feet; Thence, sixth course: N55°06'52" E, a distance of 263.04 feet; Thence, seventh course: N00°00'00" E, a distance of 240 feet; Thence, eighth course: N26°33'09" E, a distance of 363.10 feet; Thence, ninth course: S74°32'32" E, a distance of 127.63 feet; Thence, tenth course: S34°48'11" E, a distance of 160.00 feet; Thence, eleventh course: S00°00'00" W, a distance of 189.12 feet; Thence, twelfth course: N89°43'20" W, a distance of 1348.01 feet; Thence, thirteenth course: S00°03'53" W, a distance of 1086.69 feet to the point of Beginning; Said Parcel contains 2,076,549 square feet or 47.671 acres more or less; and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Conover reviewed the applicant's Staff Report to rezone 15.052 acres and 3.385 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 and Limited Agriculture District.

Staff recommended approval of Rezone / RZ 18-02 and Comprehensive Plan Amendment / CA 18-02.

Discussion followed.

Moved by Johnson and seconded by McCollam to deny Rezone / RZ 18-02 and Comprehensive Plan Amendment / CA 18-02.

Roll Call Vote: Litzen – aye, Marsh – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - no. Motion carried 5 to 1.

26. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 23, 2018, Planning Commission meeting. Planned Unit Development 16-03 (Dan & Nancy Evangelisto) was continued to the May 15, 2018, Board of Commissioner's meeting; and Ordinance Amendment / OA 18-04 (Ernest Getty / Tina Mulally) was continued to the May 15, 2018, Board of Commissioner's meeting.

27. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

28. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for April 2018.
- B. Planning Commission Interviews (May 25th). Conover asked that a Planning Commission member(s) be in attendance for the interviews scheduled this day.
- C. Planning Commission Meeting (May 29th). Conover reminded the Planning Commission of the next scheduled PC meeting on Tuesday, May 29th at 9.m.
- D. Special Planning Commission Meeting (June 4th – Comprehensive Plan only.) Conover further spoke of the Special Planning Commission meeting scheduled on Monday, June 4th at 9 a.m. for discussion of the Comprehensive Plan.
- E. Planning Department. Conover informed the Planning Commission that Planner I (Amy Riddering), her last day with the department is today.

29. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

30. ADJOURNMENT

Moved by Rivers and seconded by Marsh to adjourn.

Roll Call Vote: Litzen – aye, Marsh – aye, Lasseter – aye, Johnson – aye, McCollam – aye, and Rivers - aye. Motion carried 6 to 0.

The meeting adjourned at 11:45 a.m.

Travis Lasseter, Chairperson