

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**May 29, 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, and Ron Buskerud.

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

ROLL CALL

1. APPROVAL OF THE MAY 14, 2018, MINUTES  
**Moved by Marsh and seconded by McCollam to approve the Minutes of the May 14, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.**
2. APPROVAL OF AGENDA  
**Moved by Johnson and seconded by McCollam to approve the Agenda of the May 29, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.**

Commissioner Litzen appeared at the meeting at 9:04 a.m.

**Moved by McCollam and seconded by Marsh to approve the Consent Calendar of the May 29, 2018, Planning Commission meeting, with the removal of Items #10, #16, #19, and #21. Vote: unanimous 6 to 0.**

**CONSENT AGENDA**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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.

(Continued from the April 23, 2018, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 09-10 with the following fifteen (15) conditions:**

1. That the Conditional Use Permit continue to be limited to the processing of timber I-beams into boards for Bodensteiner Beamworks, any expansion beyond this will require the Conditional Use Permit to be reviewed;
2. That a Building Permit is obtained for the structure housing the commercial kitchen and office within 30 days of approval of the extension of CU 09-10;
3. That the daily hours of operation shall continue to be 8:00 a.m. to 4:00 p.m., Monday through Friday;
4. That all assigned addresses continue to be clearly posted on the residences/structures, as well as at both entrances to the property, so it is visible from both directions of travel in accordance with Pennington County's Ordinance #20;
5. That the shavings from the timbers continue to be properly disposed of and placed in a dumpster and hauled away on a regular basis;
6. That the applicant continue to ensure the residential character of the property is maintained;
7. That no new approaches be allowed;
8. That the applicant obtains the necessary permit from the Rapid City Air Quality Department prior to any further activity associated with the sawmill being performed on-site;
9. That a total of three (3) portable fire extinguishers with a minimum 2 A-BC rating continue to be located within the building;
10. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit in accordance with Section 312;
11. That a Floodplain Development Permit shall be submitted for review and approval *prior* to any work or placement of any structure within the boundaries of the Special Flood Hazard Area;
12. That a minimum of four (4) off-street parking spaces continue to be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;
13. That any trade or stock associated with the business must be stored inside a structure or behind a privacy fence;
14. 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; and,

15. **That this Conditional Use Permit be reviewed in five (5) years, as directed by the Planning Commission or Board of Commissioners, or on a complaint basis to ensure that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-10:** Dawn Richter. To review a single-wide mobile home to be used as a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4, NE1/4NW1/4, Section 8, T1S, R17E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 16-10 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-27:** Gene and Carllen Van Der Wert. 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 May 14, 2018, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 16-27 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 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 two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
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 (24003 Pink Cabin Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
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 Sheralin Groves, or their contact information changed, the interior informational sign be updated and the applicant re-notify the Planning Director 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 an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 16-27, which is available at the Planning Office; and,
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.

**Vote: unanimous 6 to 0.**

- 6. CONDITIONAL USE PERMIT REVIEW / CU 17-16: School House, LLC / Larry Teuber. 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 1R, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-16 with the following sixteen (16) 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 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 and/or alterations 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 upon request;**
- 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 one (1) off-street parking space 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 (9627 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, 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 Larry Teuber, 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 Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-16, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-17:** SC Meridian, LLC / Larry Teuber. 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 A, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-17 with the following sixteen (16) 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 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 upon request;
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 two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
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 (9699 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, 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 Larry Teuber, 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 Floodplain Development Permit be obtained *prior* to any work within the Special Flood Hazard Area on the subject property;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-17, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-18:** SC Meridian, LLC / Larry Teuber. 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 1R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-18 with the following fifteen (15) 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 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 upon request;
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 two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
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 (9670 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, 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 Larry Teuber, 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 Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

14. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-18, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-19:** SC Meridian, LLC / Larry Teuber. 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 6R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-19 with the following fifteen (15) 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 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 upon request;
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 two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-foot by 18-foot 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 (9645 Cougar Court) 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 Clarkson Road, 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 Larry Teuber, 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 Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-19, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

11. **CONSTRUCTION PERMIT REVIEW / CP 16-04:** Black Hills Power, Inc. To review the construction of a 230 kV transmission line to connect the Teckla Substation in Campbell County, Wyoming, to the Osage Substation in Weston County, Wyoming, and the Lange Substation located in Pennington County, near Rapid City, South Dakota.

The 144 mile project traverses through 36.3 miles of the Black Hills National Forest, 4.7 miles of Thunder Basin National Grassland, 2.6 miles of BLM Land, 10.3 miles of State of Wyoming land, and 90 miles of private land in SD and WY.

**To end Construction Permit / CP 16-04 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

- 12. CONSTRUCTION PERMIT REVIEW / CP 16-05:** Pennington County Highway Department. To review the reconstruction of a slide area along Kelly Hill Road.

NE1/4, Section 30, T2N, R17E, BHM, Pennington County, South Dakota.

**To end Construction Permit / CP 16-05 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

- 13. CONSTRUCTION PERMIT REVIEW / CP 17-05:** Anthony and Michele Griffith. To review bringing in fill to an area to level, gravel and allow for reclamation of the remaining area.

Balance of Lot 1 of NE1/4SW1/4; Lot 1 of SE1/4SW1/4; E1/2 of Lot A of SE1/4SW1/4; E1/2 of Lot A of NE1/4SW1/4 Adjacent to Lot 1, Section 29, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Construction Permit / CP 17-05 with the following seven (7) conditions:**

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
- 5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**

6. **That the conditions of approval of the Rapid City Air Quality Construction Permit and Rapid City Air Quality Unpaved Parking/Storage Permit be continually met;**
7. **That this Construction Permit be reviewed in one (1) year to ensure that all conditions of approval are met.**

**Vote: unanimous 6 to 0.**

14. **CONSTRUCTION PERMIT REVIEW / CP 17-07:** Miller Construction. To review the construction of a 800-foot long driveway that will provide access to the subject property located in the SW1/4SW1/4 of Section 9, T2S, R7E, BHM, Pennington County, South Dakota, in accordance with Section 507 of the Pennington County Zoning Ordinance.

SW1/4SW1/4 of Section 9, T2S, R7E, BHM, Pennington County, South Dakota.

**To end Construction Permit / CP 17-07 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

15. **CONSTRUCTION PERMIT / CP 18-06:** Laredo Holdings, LLC; Ryan Kaski. To construct a road and turnaround and utilities for a new phase of land development in Sunset Ranch Subdivision.

Lots 9, 12, 13, 17, 18, Block 6, Sunset Ranch, Section 33, T2N, R10E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 18-06 with the following thirteen (13) 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 a noxious Weed Management Plan is signed by the property owner within ten (10) business days of Permit approval;**
4. **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;**

5. 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;
6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
7. That during the period of construction, streets are not blocked and all homes are accessible by emergency vehicles;
8. That a Floodplain Development Permit is obtained prior to any disturbance within the designated Special Flood Hazard Area;
9. That all natural drainage ways and paths be continually maintained;
10. That an Approach Permit is obtained from Pennington County Highway for the construction of proposed Lasso Lane off of 156<sup>th</sup> Avenue prior to the commencement of any work;
11. That Spur Court be renamed to an acceptable name to Pennington County 9-1-1 and that both the newly proposed name (in place of Spur Court) and proposed Lasso Lane be approved by the Board of Commissioner prior to the submittal and/or issuance of any Building Permits on Lots 9A, 9B, 12A, 12B, 13A, 13B, 16R, 17A, 17B, 18A, and 18B of Block 6 of Sunset Ranch;
12. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
13. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous 6 to 0.**

17. **CONDITIONAL USE PERMIT / CU 18-09:** Scott and Christine Grierson. To allow a Recreational Vehicle to be used as temporary living quarters on the subject property (Lot 6) while building a single-family residence on Lot 5 in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 6, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 18-09 with the following twelve (12) conditions:**

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);

2. That a Building Permit application for the proposed single-family residence on Lot 5, Block 3 be submitted within six (6) months of approval of Conditional Use Permit / CU 16-27;
3. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
4. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV on the subject property;
5. That the RV being used as a temporary residence be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
6. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
7. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
8. 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;
9. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-09, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

18. **CONDITIONAL USE PERMIT / CU 18-10:** Ray and Erin Atkins. To allow an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 18-10 with the following eleven (11) conditions:**

1. **That the applicant becomes familiar with Pennington County Zoning Ordinance § 301 (Airport Height and Hazard Zoning) and § 315 (Development Standards for Ellsworth Air Force Installation Compatibility Use Area) regarding future development of the existing properties involved in CU 18-10;**
2. **That prior to approval of a Building Permit, the applicant complete the Planning Department memo for the Federal Aviation Administration's Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis;**
3. **That prior to the submittal of a Building Permit application, the landowner meet with Matt Schmahl [West River Electric Association, Inc. (WRE) 605-791-6512] to discuss his comments above and provide written confirmation, on WRE Letterhead, to the Planning Director, that WRE will accept the location of the access from Lot 7 to Lot 8;**
4. **That all current and future addresses be posted in accordance with Pennington County Ordinance #20;**
5. **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;**
6. **That the applicant does not encroach, with any structure, on any existing easements located on Lot 7 and 8 of Block 1 of Meadow Ranch Estates without first vacating said easement through the jurisdictional authority;**
7. **That all local, state, and federal requirements for construction of the pole building and any other structures on the subject property be met;**
8. **That the subject property remains free of debris and junk vehicles;**
9. **That the accessory structures be used for personal use only and no commercial-type uses and not for living space;**
10. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-10, which is available at the Planning Office; and,**



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

**Vote: unanimous 6 to 0.**

20. **SUBDIVISION REGULATIONS VARIANCE / SV 18-04:** Douglas Norberg; Buckhorn Surveying – Agent. To waive platting requirements in order to create Tract 1 and Tract 2 of Sonquest Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Tract 1 and Tract 2 of Sonquist Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Subdivision Regulations Variance / SV 18-04.**

**Vote: unanimous 6 to 0.**

## **END OF CONSENT AGENDA**

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-20:** Melissa Masters. To review a mobile large animal / home veterinary practice on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW/14, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda to recommend to continue the Item to the June 25<sup>th</sup> Planning Commission meeting, at the request of the applicant.

**Moved by Johnson and seconded by Litzen to continue the review of Conditional Use Permit / CU 17-20 to the June 25, 2018, Planning Commission meeting, at the request of the applicant.**

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

16. CONDITIONAL USE PERMIT / CU 18-08: Stromer Properties, LLC; Brook Stromer. To allow an illuminated, on-premise sign within 1,500 feet of a residential zoning district / dwelling unit in a General Commercial in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

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

Staff asked to have this Item removed from the Consent Agenda to amend language in the Staff Report on Page 4 from “southeast” to southwest” and staff recommended approval of Conditional Use Permit / CU 18-08 with eight (8) conditions.

Discussion followed.

**Moved by Litzen and seconded by Marsh to approve of Conditional Use Permit / CU 18-08 with the following eight (8) 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 or airspace, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or pilot of an aircraft, or otherwise interfere with any driver’s operation of a motor vehicle or pilot’s operation of an aircraft;**
- 2. That the applicant obtain a Sign Permit for the proposed sign prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That the sign continually conforms to all regulations in § 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 sign must meet a minimum of a five (5) foot setback from the front property lines and twenty-five (25) foot setbacks from all side and rear property lines. In addition, no part of the sign or infrastructure may be located in any right-of-way;**
- 6. That the overall height of the proposed sign, including ground clearance, not exceed 30 feet and the maximum display area not exceed 250 square feet on each face;**
- 7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-08, which is available at the Planning Office; and,**

8. **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.**

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

19. CONDITIONAL USE PERMIT / CU 18-12: Edelweiss Mountain Lodging / Marshall Mechaley. To allow 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 31 Revised, Block E, 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 applicants submitted the Interior Informational Sign for the “Pactola Escape” house and have since, provided the Interior Informational Sign for the “Omega” house, which is the subject property.

Conover further noted that Staff also received letters of concern from surrounding property owners.

Discussion followed.

**Moved by Marsh and seconded by McCollam to approve of Conditional Use Permit / CU 18-12 with the following fifteen (15) conditions:**

1. **That each review of Conditional Use Permit / CU 18-12, be subject to Pennington County Zoning Ordinance (PCZO) § 511;**
2. **That the Vacation Home Rental always be operated in conformance with PCZO § 319;**
3. **That the maximum overnight occupancy, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12);**
4. **That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
5. **That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
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 additional contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;**
- 8. That the lot address continues to be posted in accordance with Pennington County's Ordinance #20;**
- 9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;**
- 10. 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 at least twenty (20) days prior to the transfer (PCZO § 319(C)(5));**
- 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 Sign Permit be obtained prior to the placement of any sign(s);**
- 13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 14. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-12; and**
- 15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting, the Motion carried 5 to 1. Commissioner Buskerud voted no.**

21. CONDITIONAL USE PERMIT / CU 18-11: Lori Nore. To allow a multi-family dwelling on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 9, Feay Reder Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda to note that the applicant's request and legal description need to be updated on the Agenda. Staff further requested the Item be continued to the June 11, 2018, Planning Commission meeting for the request and legal description to be updated for the Agenda.

Discussion followed.

**Moved by Johnson and seconded by Litzen to continue Conditional Use Permit / CU 18-11 to the June 11, 2018, Planning Commission meeting.**

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

22. 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 Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the May 14, 2018, Planning Commission meeting.)

Conover stated this Item was continued from the May 14<sup>th</sup> Planning Commission meeting to address concerns of the Planning Commission regarding the placement and lighting of the signs.

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 conform 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 Marsh and seconded by McCollam to approve of Conditional Use Permit / CU 18-07 to allow only four (4) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit, as designated on the submitted site plan for Signs A, B, C, and E, 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 conform 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.**

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

23. 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.

(Continued from the April 23, 2018, Planning Commission meeting.)

Conover stated the applicant has requested this Item be continued to the June 11, 2018, Planning Commission meeting.

**Moved by Litzen and seconded by Buskerud to continue Conditional Use Permit / CU 18-04 to the June 11, 2018, Planning Commission meeting.**

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

24. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 14, 2018, Planning Commission meeting. Planned Unit Development 16-03 (Dan & Nancy Evangelisto) was approved with minor changes to a few Conditions of Approval, and Ordinance Amendment / OA 18-04 (Ernest Getty / Tina Mulally) was denied.

25. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

26. ITEMS FROM THE STAFF

- A. Special Planning Commission Meeting (June 4th – Comprehensive Plan only.) Conover spoke of the Special Planning Commission meeting scheduled for Monday, June 4th at 9 a.m. for a draft presentation of the Comprehensive Plan.
- B. Planning Commission By-Laws. Conover spoke of the Planning Commission By-Laws.
- C. Planning Department Planner I Interviews. Conover stated the Planner I interviews are scheduled for June 6th.
- D. Planning Commissioner Interviews. Conover stated the Planning Commissioner interviews are scheduled for the June 19<sup>th</sup> Board of Commissioner's meeting.
- E. Farewell gathering for outgoing Planning Commissioners. Conover spoke honoring the two outgoing Planning Commission members at an upcoming meeting in June.

27. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

28. ADJOURNMENT

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

**The meeting adjourned at 9:41 a.m.**

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Travis Lasseter, Chairperson