

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 25, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JUNE 11, 2018, MINUTES
Moved by McCollam and seconded by Litzen to approve the Minutes of the June 25, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF AGENDA
Moved by Litzen and seconded by McCollam to approve the Agenda of the June 25, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Johnson and seconded by Litzen to approve the Consent Calendar of the June 25, 2018, Planning Commission meeting, with the removal of Items #11 and #13. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 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.

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

To continue the review of Conditional Use Permit / CU 92-42 to the September 24, 2018, Planning Commission meeting to allow staff and the property manager to meet to bring the property into compliance.

Vote: unanimous 6 to 0.

- 4. CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 10-37:** Dennis and Sarah Mason. To amend an existing Conditional Use Permit to allow an existing caboose located on the subject property to be used as a seasonal cabin in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C-15, Wolframite Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 10-37 with the following eight (8) conditions:

- 1. That the lot address (12794 Wolframite Road) continues to be properly posted on the caboose and at the driveway so it is clearly visible from both directions of travel on Wolframite Road, in accordance with Pennington County's Ordinance #20;**
- 2. That the seasonal cabin (caboose) may not be used more than 180 days per calendar year;**
- 3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 4. That all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval;**
- 5. That the caboose continue to be used for personal use only. No commercial activity shall be permitted;**
- 6. That the property continue to remain free of debris and junk vehicles;**
- 7. That the new landowners sign a Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit Amendment / CU 10-37, which is available at the Planning Office; and,**
- 8. That this Conditional Use Permit be reviewed in three (3) 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.

5. **CONDITIONAL USE PERMIT REVIEW / CU 13-12:** Donald Johnson. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 42, Block 4, Green Valley Estates, Section 23, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 13-12 with the following seven (7) 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 the minimum setback requirements of a Suburban Residential District be continually maintained on the property, including no structures being located within eight (8) feet of the side property lines;**
3. **That no parking be allowed in the area containing the on-site wastewater treatment system;**
4. **That the property continue to be kept free of debris and junk vehicles;**
5. **That the lot address (5285 Greenwood Lane) continue to be posted so it is clearly visible from both directions of travel along Greenwood Lane at all times, in accordance with Pennington County's Ordinance #20;**
6. **That the mobile home continue to have a peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,**
7. **That this Conditional Use Permit be reviewed in five (5) 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.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-14:** Ron Toof. To review a Recreational Vehicle to be used as temporary living quarters on the subject property, while the applicant works to replace the single-wide mobile that was destroyed by fire, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-14 with the applicant's concurrence.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-33:** Clinton Nulle. To review a single-wide mobile home to be used as a permanent single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the December 18, 2017, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 16-33 to the September 10, 2018, Planning Commission meeting with three (3) conditions.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-03:** McDaniel Trust; Susan McDaniel. To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-03 with the following sixteen (16) conditions:

1. **That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Section 319(F)(13) of the Pennington County Zoning Ordinance;**
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 applicant continues to 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 applicant continues to 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 be provided on-site, per Section 310(A)(9)(gg) of the Pennington County Zoning Ordinance, with each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continues to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for the Fire Department and the Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (24405 Oak Meadows Road) continues to be posted on the residence at all times and at the end of the driveway so that it is clearly visible from both directions of travel on Oak Meadows Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures the Vacation Home Rental is operated in accordance with the requirements of Section 319(F) (Performance Standards) of the Pennington County Zoning Ordinance at all times;
10. That if the person designated as the Local Contact is ever changed from Susan McDaniel, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within five hundred (500) feet of the outer boundaries of the Vacation Home Rental property 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 Pennington County Zoning Ordinance Section 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 prior to the transfer of this Vacation Home Rental property to a new owner(s), Section 319(C)(5) must be followed;

15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-03, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in three (3) 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.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-15:** Jay and Luann Van Hunnik. To review a Bed and Breakfast in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot A of Panelized Placer Mining Claim in SE1/4NW1/4, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-15 with the following sixteen (16) conditions:

1. That the maximum amount of overnight guests (persons) be six (6), per the South Dakota Department of Environment and Natural Resources letter dated May 23, 2017 from Kent R. Woodmansey (SD DENR Engineering Manager);
2. That a minimum of six (6) off-street parking spaces continue to be provided and that each parking space shall not be less than 162 square feet, nor less than 9 feet by 18 feet; surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the applicants and future landowners maintain current licenses with the South Dakota Department of Health (Lodging License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, upon request;
4. That the applicants continue to provide copies of the Evacuation Plan 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 provided Planning Department upon request;
5. That the Bed and Breakfast continues to be conducted by members of the family residing on the premises and no more than one (1) additional person;
6. That the applicants continue to comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;

7. That smoke detectors continue to be placed in each sleeping room with a minimum of at least one (1) smoke detector per floor;
8. That a minimum of one (1), 2 A-BC dry chemical fire extinguisher continue to be accessible to all guests at all times on each floor of the structure and that they be hung at a height of 5-feet 3-inches from floor level to gauge;
9. That the physical address for the residence continues to be posted in each guest room;
10. 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;
11. That the applicants ensure the residential character of the property is maintained;
12. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
14. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Nellie Lane in accordance with Pennington County's Ordinance #20;
15. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Conditional Use Permit / CU 17-15. The SOU is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in three (3) 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.

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.

(Continued from the May 29, 2018, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 17-20 to the July 23, 2018, Planning Commission meeting.

Vote: unanimous 6 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 17-22:** Pamela Phillips. To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-22 to the August 27, 2018, Planning Commission meeting to allow the applicant time to bring the subject property into compliance.

Vote: unanimous 6 to 0.

14. **CONDITIONAL USE PERMIT REVIEW / CU 17-47:** Harriet Kelley. To review a Recreational Vehicle to be used as temporary living quarters on the subject property, during the summer months, in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot A of Government Lot 2 of the NW1/4NE1/4, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-47 with the following eleven (11) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property, and the second existing RV be used strictly for storage;**
2. **That the one (1) Recreational Vehicle (RV) shall only be used seasonally between May 1st and October 1st of each year;**
3. **That an address be assigned and clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters during the seasonal restrictions. The address must be posted on the residence and at the driveway so as to be visible from Leaky Valley Road, in accordance with Pennington County's Ordinance #20;**
4. **That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System;**

5. 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;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the Recreational Vehicle (RV) shall be disconnected from all utilities and may no longer be utilized as living quarters on the subject property upon end of the seasonal use;
9. That the Recreational Vehicle (RV) is for personal use only and shall not be rented commercially at any time;
10. That the applicant obtain a current Operating Permit for the On-Site Wastewater Treatment System (OSWTS) within ninety (90) days of the approval of the extension of CU 17-47; and,
11. That this Conditional Use Permit be reviewed at the September 24, 2018, Planning Commission meeting, 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.

15. **CONSTRUCTION PERMIT REVIEW / CP 15-15:** Flack Trucking, Inc. To review the continuation of stockpiling soil, leveling the plowed fields, and removing soil from the property. The disturbed area is being returned to farm ground.

Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit / CP 15-15 with twelve (12) conditions:

1. That the approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. That a Haul Road Agreement from the County Highway Department be obtained, if necessary;
3. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;

4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;
6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
7. That the applicant use the south approach off of Bennett Road to access the site;
8. That any natural drainage ways and paths be continually maintained;
9. That any monuments establishing property boundaries be replaced as necessary;
10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
11. That a fee of \$250 be paid for the Construction Permit within 30 days of approval of this extension; and
12. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

16. **CONSTRUCTION PERMIT REVIEW / CP 17-08:** Loerzel Construction. To construct a 650-foot-long driveway that will provide access to the subject property located in the NW1/4NE1/4SW1/4 of Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

NW1/4NE1/4SW1/4 of Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 17-08 with the applicant's concurrence.

Vote: unanimous 6 to 0.

17. **CONDITIONAL USE PERMIT / CU 18-19:** Greg Bolt. To allow a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-19 with the following eleven (11) conditions:

1. **That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);**
2. **That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;**
3. **That the Guest House shall not be used for more than 180 days per calendar year;**
4. **That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);**
5. **That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;**
6. **That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;**
7. **That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Silver Mountain Road, in accordance with Pennington County Ordinance #20;**
8. **That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;**
9. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**

10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-19, 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 or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

13. CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 17-43: Under Canvas, Inc. (UC Glamping Partners, LLC); Jeremy Budge. To review a Conditional Use Permit Amendment to allow a Recreational Resort (glamping) on the subject property, to include the sale of beer and wine, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

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

Commissioner LaCroix asked to have this Item removed from the Consent Calendar for discussion.

Staff recommended approval of the extension of Conditional Use Permit Amendment / CU 17-43 with twenty-seven (27) conditions.

Discussion followed.

Moved by LaCroix and seconded by Johnson to approve of the extension of Conditional Use Permit Amendment / CU 17-43 with the following twenty-eight (28) conditions:

1. That “Temporary” shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent will be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 17-43;
2. That the uses of the Conditional Use Permit allow for: 80 temporary-tent camping sites, 18 temporary tipis, 8’ wide cart paths, temporary-tents for a lobby, temporary tent for outdoor dining, two (2) communal bathroom facilities with sinks/showers, management office, yoga deck, tent or other

structure for laundry and housekeeping, fire pits, the sale of beer and wine (with applicable permits), weddings, and to allow for the coordination of off-site recreational pursuits from an on or off site location;

3. That an approved Temporary Building Permit continue to be obtained for each tent site prior to construction and for any temporary structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That an approved Building Permit be obtained for any non-temporary structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;
6. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the western border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
7. That all addresses continue to be posted in accordance with Pennington County's Ordinance #20;
8. That an approved On-Site Wastewater Construction Permit continue to be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
9. That the interior access roads leading to the tent sites continue to consist of, at a minimum, a 24-foot-wide graveled driving surface to accommodate two-way traffic;
10. That the minimum of 130 parking spaces continue be provided in accordance with Pennington County Zoning Ordinance Section 310 and that the applicant provide a new site plan illustrating where the wedding venue and any additional will be;
11. That a Sign Permit continue to be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior operation of the Recreational Resort, each year, the applicant continues to obtain all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval

from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;

13. That the applicant continues to 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 17-43;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
16. That all exterior lighting must continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That the recommendations from the Fire Administrator continues to be adhered to at all times;
18. That quiet hours for the Recreational Resort continue to be between 10 p.m. and 8 a.m.;
19. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required Fire Mitigation Plans;
20. That emergency turn-arounds continue to be provided on-site, per Pennington County Fire Administrator recommendations;
21. That the applicant continues to adhere to all Forest Service requirements;
22. That the applicant continues to comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
23. That the applicant continues to comply with all State requirements for well digging, permitting, and water quality and provide the Pennington County Planning Director a copy of all documentation of said records prior to each review hearing;
24. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property.

25. That significant changes in the use of the subject property or a negative impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
26. That prior to the August 27, 2018, Planning Commission meeting, the applicant and/or on-site manager of the subject property and the Pennington County Fire Administrator meet on-site to review the fire places that are located inside the tents;
27. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-43, which is available at the Planning Office; and,
28. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

11. CONDITIONAL USE PERMIT REVIEW / CU 17-21: Cricket Lawn Service. To review the storage of equipment for a lawn and landscaping business on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, B and G Subdivision, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

Commissioner LaCroix asked to have this Item removed from the Consent Calendar for discussion.

Staff recommended to end Conditional Use Permit / CU 17-21.

Discussion followed.

Moved by LaCroix and seconded by Lizen to end Conditional Use Permit / CU 17-21.

All voting aye, the Motion carried 6 to 0.

18. CONDITIONAL USE PERMIT / CU 18-18: Randy Dowdy and Laura Luthy. To allow a rental home park on the subject property to include four (4) existing mobile home rental units and to allow an additional ten (10) rental units, which would include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

W1/2W1/2SE1/4SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants applied for a Conditional Use Permit to allow a rental home park on the subject property to include four (4) existing mobile home rental units and to allow an additional ten (10) rental units, which would include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property.

Staff recommended approval of Conditional Use Permit / CU 18-18 with the following twenty (20) conditions:

1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor's homes, and one (1) residence to be used as the caretaker/manager's residence;
2. That the rental home park continually have a caretaker or manager's residence on-site and it be appropriately identified as such;
3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;
4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;
6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;
7. That prior to issuance of Building Permits for any of the proposed additional residences, the interior access road be named, access be consolidated to one (1) point, and all existing and future rental units be addressed off of the proposed interior roadway;
8. That the four (4) existing rental units have their physical addresses verified and/or assigned, and added into the GIS system. ½ number addresses will not be allowed;
9. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant provide the Planning Department with a Class I water system operator certification and State approved plans;

10. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant meet with West River Electric to discuss the layout for the utilities and provide written approval from West River Electric to the Planning Department;
11. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;
12. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
13. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
14. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);
15. That the property remains free of debris and junk vehicles and all structures be well-maintained;
16. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
17. That an approved Building Permit be obtained for each new residence prior to construction and for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
18. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property;
19. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-18, which is available at the Planning Office; and,
20. 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.

Conover further discussed amending the language in Condition #2 and to also include two new Conditions of Approval.

Discussion followed.

Moved by Johnson and seconded by McCollam to approve of Conditional Use Permit / CU 18-18 with the following twenty-two (22) conditions:

- 1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor's homes, and one (1) residence to be used as the caretaker/manager's residence;**
- 2. That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;**
- 3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;**
- 4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;**
- 5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;**
- 6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;**
- 7. That prior to issuance of Building Permits for any of the proposed additional residences, the interior access road be named, access be consolidated to one (1) point, and all existing and future rental units be addressed off of the proposed interior roadway;**
- 8. That the four (4) existing rental units have their physical addresses verified and/or assigned, and added into the GIS system. Half (½) number addresses will not be allowed;**
- 9. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant provide the Planning Department with a Class I water system operator certification and State approved plans;**
- 10. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant meet with West River Electric to discuss the layout**

for the utilities and provide written approval from West River Electric to the Planning Department;

- 11. That prior to the tenth (10th) mobile home on the subject property, Conditional Use Permit 18-18 be reviewed;**
- 12. That all mobile homes be subject to the requirements in Section 304 of the Zoning Ordinance;**
- 13. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;**
- 14. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;**
- 15. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 16. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);**
- 17. That the property remains free of debris and junk vehicles and all structures be well-maintained;**
- 18. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;**
- 19. That an approved Building Permit be obtained for each new residence prior to construction and 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;**
- 20. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property;**
- 21. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-18, which is available at the Planning Office; and,**

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

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 18-20: William and Corissa Busse. To allow an existing shop building with living quarters to be used as a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 8, Feay Reder Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

Waisath reviewed the Staff Report indicating the applicant have applied for a Conditional Use Permit to allow an existing shop building with living quarters to be used as a Vacation Home Rental on the subject property.

Staff recommended approval of Conditional Use Permit / CU 18-20 with the following seventeen (17) conditions:

1. That only the existing one (1) bedroom shop with living quarters be allowed to be utilized as a Vacation Home Rental on the subject property;
2. That the maximum overnight occupancy of the VHR, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
3. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
4. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That each review of Conditional Use Permit / CU 18-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That prior to operation, the applicant obtain 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;

7. 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;
8. That a minimum of two (1) off-street parking spaces be provided on-site for the VHR, per PCZO § 310(A)(9)(gg), measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
10. That a physical address be assigned for the VHR and the addresses for both residences be posted in accordance with Pennington County's Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from William Busse, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
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;
16. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-20; and,
17. 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 Rivers to approve of Conditional Use Permit / CU 18-20 with the following seventeen (17) conditions:

- 1. That only the existing one (1) bedroom shop with living quarters be allowed to be utilized as a Vacation Home Rental on the subject property;**
- 2. That the maximum overnight occupancy of the VHR, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 3. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 4. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 5. That each review of Conditional Use Permit / CU 18-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;**
- 6. That prior to operation, the applicant obtain 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;**
- 7. 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;**
- 8. That a minimum of two (1) off-street parking spaces be provided on-site for the VHR, per PCZO § 310(A)(9)(gg), measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
- 9. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;**
- 10. That a physical address be assigned for the VHR and the addresses for both residences be posted in accordance with Pennington County's Ordinance #20;**

11. **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;**
12. **That if the person designated as the Local Contact is ever changed from William Busse, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;**
13. **That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;**
14. **That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);**
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;**
16. **That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-20; and,**
17. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

20. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-02: Thomas Skoog. To amend the existing Trailwood Village Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks, to allow the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to allow the sales of used vehicles on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot C, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to amend the the existing Trailwood Village Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks, to allow the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to allow the sales of used vehicles on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 18-02 with the following sixteen (16) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;
2. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
3. That the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 in the structure or tent where fireworks are being sold;
4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;
5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;
6. That prior to approval of a Building Permit for a commercial structure on Lot C of Trailwood Village, the applicant have an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;
7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;
8. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
9. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
10. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
11. That no parking be allowed along the frontage roads;
12. 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);

13. 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;
14. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law, unless stored in a secured, permanent building;
15. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development Amendment / PU 18-02, which is available at the Planning Office; and,
16. That this Minor 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 LaCroix and seconded by Litzen to approve of Minor Planned Unit Development Amendment / PU 18-02 with the following sixteen (16) conditions:

- 1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;**
- 2. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;**
- 3. That the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 in the structure or tent where fireworks are being sold;**
- 4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;**
- 5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;**
- 6. That prior to approval of a Building Permit for a commercial structure on Lot C of Trailwood Village, the applicant have an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;**

7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;
8. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
9. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
10. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
11. That no parking be allowed along the frontage roads;
12. 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);
13. 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;
14. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as outlined by South Dakota Codified Law, unless stored in a secured, permanent building in a manner approved by the local fire official;
15. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development Amendment / PU 18-02, which is available at the Planning Office; and,
16. That this Minor 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.

All voting aye, the Motion carried 6 to 0.

21. RECOGNITION OF PLANNING COMMISSION MEMBERS – LORI LITZEN AND WILLIAM “BILL” McCOLLAM. Conover thanked Planning Commission members Lori Litzen and William “Bill” McCollam for their service to Pennington County.

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 11, 2018, Planning Commission meeting with the exception of Rezone 18-02 and Comprehensive Plan Amendment 18-02 (Eric and Heidi Henriksen; Sperlich Consulting – Agent.). This Item was approved by the Board of Commissioners.

23. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

24. ITEMS FROM THE STAFF

A. Planning Commission Appointments – July 3rd. Conover stated the two new Planning Commission members will be appointed at the July 3rd Board of Commissioners meeting, and, will their first meeting will be July 9th.

25. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

26. ADJOURNMENT

Moved by Litzen and seconded by McCollam to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:43 a.m.

Travis Lasseter, Chairperson