

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Jim Coleman, Sandra Runde, Sonny Rivers, and Mark DiSanto.

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

ROLL CALL

1. INTRODUCTION AND WELCOME OF NEW PLANNING COMMISSIONERS  
Conover welcomed Sandra (Sandy) Runde and Jim Coleman as new Planning Commissioners.

2. ELECTION OF OFFICERS  
Conover discussed with the Commissioners that, during the first annual organizational meeting in July of each year, the Planning Commission elects new Planning Commission officers. Conover read Sections 4.0 and 5.0 of the By-Laws of the Pennington County Planning and Zoning Commission.

Conover opened nominations for officer positions.

Moved by Johnson to nominate Travis Lasseter as Chairperson, Rich Marsh as First Vice-Chairperson and Sonny Rivers as Second Vice-Chairperson.

Written vote passed 5 to 1.

3. APPROVAL OF THE JUNE 25, 2018, MINUTES  
Moved by Johnson and seconded by Rivers to approve the Minutes of the June 25, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

4. APPROVAL OF THE AGENDA  
Moved by Rivers and seconded by DiSanto to approve the Agenda of the July 9, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by DiSanto and seconded by Johnson to approve the Consent Calendar of the July 9, 2018, Planning Commission meeting, with the removal of Items #9 and #11. 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.

5. **CONDITIONAL USE PERMIT REVIEW / CU 91-59:** Melissa Ehrhardt. To review a single-wide mobile home as a single-family residence in a Suburban Residential District in accordance with Section 208-C-19 of the Pennington County Zoning Ordinance.

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

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

**To approve of the extension of Conditional Use Permit / CU 91-59 with the following three (3) 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 property continue to be kept clear of debris and inoperable automobiles; and,**
3. **That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 99-37:** Bob Young. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 99-37 to the August 13, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 08-20:** David and Karen Maudlin. To review a Bed and Breakfast as a home occupation in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 3 (also in Section 3, T2S, R5E), Turbo Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 08-20 with the applicants' concurrence.**

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 11-17:** Duane Brink, LLB Investments Limited Partnership. To review a well drilling business and accessory exterior equipment and material storage in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Heavlin #2 Addition, Sections 19 and 30, T1N, R9E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 11-17.**

**Vote: unanimous 6 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-23:** Cliff Dahl. To review existing structures on the subject property to include the addition of a new pole frame building on the subject property in a Limited Agriculture District in accordance with Section 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Windy Hollow Subdivision, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-23 with the following six (6) conditions:**

1. **That the lot address, 23000 Radar Hill Road, continue to be posted so it is clearly visible from Radar Hill Road in accordance with Pennington County Ordinance #20;**
2. **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;**
3. **That all local, state, and federal requirements for construction on the property continue to be met;**

4. That the subject property remains free of debris and junk vehicles;
5. That the accessory structures continue to be used for personal use only and no commercial-type uses and not for living space; and,
6. 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.**

12. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-01:** Karen Moore. To review the existing Planned Unit Development to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

Parcel A, B, and C, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

**To continue the review of Major Planned Unit Development Amendment / PU 17-01 to the August 13, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

13. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-03:** Chris Hamm; KTM Design Solutions, Inc. To review the existing Planned Unit Development Zoning Districts to allow for additional storage units; to allow the single-family residence to be used as a caretaker's residence; and to allow future commercial uses and to allow a car wash facility in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 2 of SE1/4SE1/4 Less Red Rock Estates and Less ROW; That PT of E1/2NE1/4SE1/4 lying outside the City of Rapid City Corporate Boundaries Less Row; and That PT of W1/2NE1/4SE1/4 lying S of Portrush Rd that lies outside the City of Rapid City Corporate Boundaries Less Red Rock Estate And Less Row, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve of the extension of Major Planned Unit Development Amendment Review / PU 17-03 with the following twenty (20) conditions:**

1. That the uses allowed in Zone 1 be those allowed in the Commercial Zoning District and to include a car wash facility;

2. That the uses allowed in Zone 2 be for 19 storage unit buildings and the single-family residence to be used as a caretaker's residence, and the caretaker be directly engaged in the day-to-day operation of the storage unit business;
3. That a minimum of four parking spaces be provided and that a loading, and unloading zone be provided for all storage unit buildings in Zone 2 that run along the units and must have four 4 inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That the business address for the storage units be posted on the property to be clearly visible and to be maintained in accordance with Ordinance No. 20 and updated to reflect access off of Dunsmore Road;
5. That the address for the caretaker's residence be changed to a Muirfield Drive address and the address posted on the property to be clearly visible from Muirfield Drive and to be maintained in accordance with Ordinance No. 20;
6. That any new approaches and/or access obtain an approved Approach Permit, or similar, from the appropriate road authority;
7. That any lighting used to illuminate any off-street parking or lighting in Zone 1 or Zone 2 shall be so arranged as to deflect the light from all adjoining residences and the lighting on the outside of the storage units in Zone 2 be directed towards the ground;
8. That sign(s) shall be allowed in Zone 1 and Zone 2 with an approved Sign Permit. The sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
9. That prior to Building Permits being issued for two (2) additional storage unit buildings (will be 19 total storage units), a drainage plan addressing run-off shall be reviewed and approved by the County Drainage Engineer;
10. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;
11. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require a Construction Permit;
12. That any work encompassing over (1) one acre will require the applicant to obtained an approved Storm Water Construction Permit from the South Dakota Department of Environment and Natural Resources;

13. That the storage units be used exclusively for storage and not retail business activities;
14. That any additional storage unit buildings requires the Planned Unit Development to be amended;
15. That the hours of operation for the storage units be from 7:00 a.m. to 10:00 p.m.;
16. That the address and a sign be posted indicating after hours contact information with the owner phone number, which must be clearly visible at the entrance to the lot for the storage units;
17. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
18. That the setbacks from property lines for Zone 2 be a minimum of 25 feet from the front and rear property lines and 8 feet from the side yard property lines; and a 58 foot setback from Section Lines or the Section Line be vacated;
19. That the setbacks from property lines for Zone 1 follow those for a General Commercial Zoning District; and,
20. That this Planned Unit Development 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.

**Vote: unanimous 6 to 0.**

14. **CONDITIONAL USE PERMIT / CU 18-21**: David and Leah Byers. To allow for a single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 18-21 with the following eight (8) conditions:**

1. That the applicant obtain a Construction Permit for the roads constructed and improved on the subject property, with all applicable fees be paid, prior to the applicant applying for a Building Permit for the single-family residence;

2. That the applicant work with the SDDOT to approve any changes to the existing access to the subject property, per the applicable Administrative Rules of South Dakota;
3. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System;
4. 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;
5. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-21, 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 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.**

15. **CONDITIONAL USE PERMIT / CU 18-24:** Plainsview Mobile Manor / Ernest Tschannen; Kristine Forrest – Agent. To bring an existing mobile home park into compliance (Plainsview Mobile Manor) in a Suburban Residential District in accordance with Sections 208, 305, and 510 of the Pennington County Zoning Ordinance.

Tract 2, Plainsview Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

**To continue Conditional Use Permit / CU 18-24 to the July 23, 2018, Planning Commission meeting.**

**Vote: unanimous 6 to 0.**

**END OF CONSENT AGENDA**

9. CONDITIONAL USE PERMIT REVIEW / CU 15-36: Donald and Margaret Norton. To review an existing shop building with living quarters to be used as a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 15-36 with five (5) conditions.

Discussion followed.

**Moved by Coleman and seconded by Runde to approve of the extension of Conditional Use Permit / CU 15-36 with the following five (5) conditions:**

- 1. That both the addresses assigned for the residence and the Guest House be continually posted so they are clearly visible from Knotty Pine Lane in accordance with Pennington County Ordinance #20;**
- 2. That the Guest House be utilized and maintained in accordance with the requirements of Section 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;**
- 3. 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;**
- 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; and,**
- 5. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

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



11. CONDITIONAL USE PERMIT REVIEW / CU 17-24: Chace and Leslie Larsen. To review an internally illuminated sign within 1,500 feet of a residential zoning district/dwelling unit in a General Agriculture District in accordance with Sections 312 and 510 of the Pennington County Zoning Ordinance.

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

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

Staff recommended approval of the extension of Conditional Use Permit / CU 17-24 with six (6) conditions.

Discussion followed.

**Moved by DiSanto and second by Rivers to approve of the extension of Conditional Use Permit / CU 17-24 with the following six (6) conditions:**

- 1. That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the adjacent traveled 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 sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance;**
- 3. That the sign must continually meet a minimum of a five (5) foot setback from the front property lines and maintain proper setbacks from all side and rear property lines. Also that no part of the sign or infrastructure used for the lighting be placed in, or hang-over a right-of-way.**
- 4. That the sign be continually maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
- 5. That the installation of any other sign(s) on the property may require a separate Sign Permit and a separate Conditional Use Permit; and,**
- 6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditionals of Approval are being met.**

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

16. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 18-03: Heather Jansen-Hilgemeier. A special consideration to PUD 79-02 to reduce the minimum front yard setback from 15 feet to a zero (0) foot setback to allow for a garage to be constructed on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 10, Block 5, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant applied for a Special Consideration to the Trailwood Village Planned Unit Development to reduce the minimum front yard setback from 15 feet to zero (0) feet to allow for construction of a garage.

Staff recommended approval of Special Consideration to the Trailwood Village Planned Unit Development / PU 18-03 with the following two (2) conditions:

1. That the minimum front yard setback is reduced from fifteen (15) feet to five (5) feet to allow for a 12' x 30' garage; and,
2. That approval of this Special Consideration allows for the 12' x 30' detached garage. All other structures must maintain the setback requirements as outlined in the Trailwood Village PUD or obtain approval of a separate Special Consideration to the Trailwood Village PUD.

Discussion followed.

Moved by Runde to approve of Special Consideration to the Trailwood Village Planned Unit Development / PU 18-03. The Motion died for lack of a second.

**SUBSTITUTE MOTION: Moved by Rivers and seconded by DiSanto to continue Special Consideration to the Trailwood Village Planned Unit Development / PU 18-03 to the July 23, 2018, Planning Commission meeting.**

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

17. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 18-04: Thomas Willar. A special consideration to PUD 79-02 to reduce the minimum front yard setback from 25 feet to 18 feet to allow for an addition to the residence in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 21, Block 3, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant applied for a Special Consideration to the Trailwood Village Planned Unit Development to reduce the minimum front yard setback from 25 feet to 18 feet to allow for an addition to the residence.

Staff recommended approval of Special Consideration to the Trailwood Village Planned Unit Development / PU 18-04 with the following two (2) conditions:

1. That a survey from a Registered Professional Land Surveyor is completed showing all setbacks for the single-family residence, attached garage and proposed addition prior to issuance of a Building Permit for the addition; and,
2. That approval of this Special Consideration allows for the front yard setback addition. All other structures must maintain setback requirements as outlined in the Trailwood Village PUD or obtain approval of a separate Special Consideration to the Trailwood Village PUD.

Discussion followed.

**Moved by DiSanto and seconded by Johnson to approve of Special Consideration to the Trailwood Village Planned Unit Development / PU 18-04 with the following two (2) conditions:**

- 1. That a survey from a Registered Professional Land Surveyor is completed showing all setbacks for the single-family residence, attached garage and proposed addition prior to issuance of a Building Permit for the addition; and,**
- 2. That approval of this Special Consideration allows for the front yard setback addition. All other structures must maintain setback requirements as outlined in the Trailwood Village PUD or obtain approval of a separate Special Consideration to the Trailwood Village PUD.**

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

18. CONDITIONAL USE PERMIT / CU 18-22: Hay Yard Hills, LLC; Rodney Sather – Owner. To allow for an existing single-family residence to be used as 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.

Tract A of Lot 1, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 18-22 with the following twenty (20) conditions:

1. That prior to operation, the applicant or agent work with the Planning Director so that a hearing before the Board of Commissioners can be scheduled to address the existing second approach on the subject property. The applicant shall comply with the Board's ruling;
2. That the maximum number of occupants per day be based on SD DENR approval;
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 and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That each review of Conditional Use Permit / CU 18-22, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That the applicant obtain and continually maintain a current lodging license with the South Dakota Department of Health (SD DH) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That prior to operation, the applicant receive an approved SD DH Lodging License and shall submit the License to the Planning Director upon receipt;
8. That the applicant continue to maintain a SD DH Lodging License and submit the License to the Planning Department upon request;
9. 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;
10. That a minimum of three (3) off-street parking spaces 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;
11. That an interior informational signs 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 Office respectively, during operation of the Vacation Home Rental;

12. That the lot address (13621 Battle View Road) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
13. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed from Sheralin Groves, the interior informational sign be updated and the applicant re-notify the Planning Director and PCZO § 319(C)(5)(c) be enforced;
15. 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;
16. That an approved Sign Permit be obtained prior to the placement of any sign(s) per PCZO § 312;
17. That prior to operation, that applicant update the informational sign to reflect the correct available parking location (from the approved approach);
18. 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;
19. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-22, 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.

Discussion followed.

**Moved by DiSanto and seconded by Coleman to approve of Conditional Use Permit / CU 18-22 with the following twenty (20) conditions:**

- 1. That prior to operation, the applicant or agent work with the Planning Director so that a hearing before the Board of Commissioners can be scheduled to address the existing second approach on the subject property. The applicant shall comply with the Board's ruling;**
- 2. That the maximum number of occupants per day be based on SD DENR approval;**

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 and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That each review of Conditional Use Permit / CU 18-22, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That the applicant obtain and continually maintain a current lodging license with the South Dakota Department of Health (SD DH) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That prior to operation, the applicant receive an approved SD DH Lodging License and shall submit the License to the Planning Director upon receipt;
8. That the applicant continue to maintain a SD DH Lodging License and submit the License to the Planning Department upon request;
9. 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;
10. That a minimum of three (3) off-street parking spaces 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;
11. That an interior informational signs 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 Office respectively, during operation of the Vacation Home Rental;
12. That the lot address (13621 Battle View Road) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
13. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

14. That if the person designated as the Local Contact is ever changed from Sheralin Groves, the interior informational sign be updated and the applicant re-notify the Planning Director and PCZO § 319(C)(5)(c) be enforced;
15. 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;
16. That an approved Sign Permit be obtained prior to the placement of any sign(s) per PCZO § 312;
17. That prior to operation, that applicant update the informational sign to reflect the correct available parking location (from the approved approach);
18. 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;
19. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-22, 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.

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

19. LAYOUT PLAT / PL 18-17: Jeffery Reed. To create Lots 3A and 3B of Snyder Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3, Snyder Subdivision, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3A and Lot 3B, Snyder Subdivision, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to subdivide an existing lot in order to create Lots 3A and 3B of Snyder Subdivision.

Staff recommended approval of Layout Plat / PL 18-17 with the following eleven (11) conditions:

1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time of new Plat submittal, the note at the bottom of Page 1 be corrected from “the City of Rapid City” to “Pennington County”;
3. That at the time of new Plat submittal, an Access Easement for Lot 4 of Snyder Subdivision be dedicated on the Plat where the driveway currently exists;
4. That at the time of new Plat submittal, the Plat be corrected to show the correct road name of “Hart Ranch Road West”;
5. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-17, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Coleman and seconded by Rivers to approve of Layout Plat / PL 18-17 with the following eleven (11) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;**



2. That at the time of new Plat submittal, the note at the bottom of Page 1 be corrected from “the City of Rapid City” to “Pennington County”;
3. That at the time of new Plat submittal, an Access Easement for Lot 4 of Snyder Subdivision be dedicated on the Plat where the driveway currently exists;
4. That at the time of new Plat submittal, the Plat be corrected to show the correct road name of “Hart Ranch Road West”;
5. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-17, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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

20. LAYOUT PLAT / PL 18-19: TDG Real Estate; Michael Gennaro – Agent. To reconfigure lot lines to create Glendale Tract and Hermosa Tract in accordance with § 400.1 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Glendale Tract and Hermosa Tract, Sections 14 and 23, T2S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to reconfigure lots lines of two (2) existing lots in order to create Glendale Tract and Hermosa Tract.

Staff recommended approval of Layout Plat / PL 18-19 with the following eleven (11) conditions:

1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time of new Plat submittal, the Plat heading and proposed legal descriptions be corrected in accordance with Register of Deeds comments;
3. That at the time of new Plat submittal, the Register of Deeds Certificate be corrected to replace the “Book and Page” sentence with “Document # \_\_\_\_\_”;
4. That at the time of new Plat submittal, the 40’ Access Easement be notated with regard to if it already exists (including the appropriate book and page numbers or document number) or is being created by this Plat;
5. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;

10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-19, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Coleman and seconded by Johnson to approve of Layout Plat / PL 18-19 with the following eleven (11) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. That at the time of new Plat submittal, the Plat heading and proposed legal descriptions be corrected in accordance with Register of Deeds comments;**
- 3. That at the time of new Plat submittal, the Register of Deeds Certificate be corrected to replace the “Book and Page” sentence with “Document # \_\_\_\_\_”;**
- 4. That at the time of new Plat submittal, the 40’ Access Easement be notated with regard to if it already exists (including the appropriate book and page numbers or document number) or is being created by this Plat;**
- 5. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 6. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 7. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;**
- 8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;**

10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-19, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

21. LAYOUT PLAT / PL 18-18: Dan Wharton. To reconfigure lot lines to create Lots 1R and Lot 2R of Forty Oaks Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1 and Lot 2, Forty Oaks Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1R and Lot 2R, Forty Oaks Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to reconfigure lots lines of two (2) existing lots in order to create Lots 1R and 2R of Forty Oaks Subdivision.

Staff recommended approval of Layout Plat / PL 18-18 with the following nine (9) conditions:

1. That at the time of new Plat submittal, the certificates be corrected per Department of Equalization comments;
2. That at the time of new Plat submittal, the Plat be lengthened to 2-pages, in order to allow better readability and space for appropriate stamps;
3. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements continues to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
5. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

7. That at the time of a new plat submittal, applications are completed and signed by all landowners;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-18, which is available at the Planning Office; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Johnson and seconded by DiSanto to approve of Layout Plat / PL 18-18 with the following nine (9) conditions:**

- 1. That at the time of new Plat submittal, the certificates be corrected per Department of Equalization comments;**
- 2. That at the time of new Plat submittal, the Plat be lengthened to 2-pages, in order to allow better readability and space for appropriate stamps;**
- 3. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements continues to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 5. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;**
- 6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 7. That at the time of a new plat submittal, applications are completed and signed by all landowners;**
- 8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-18, which is available at the Planning Office; and,**
- 9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

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

22. CONDITIONAL USE PERMIT / CU 18-23: BCS Invest, LLC; Kevin Haberstroh. To allow for six storage units and a caretaker / manager's residence on the subject property in a General Commercial District / General Agriculture District in accordance with Sections 205, 209, and 510 of the Pennington County Zoning Ordinance.

Lot 2 (also in Section 19), Heavlin #2 Addition, Section 30, T1N, R9E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for six (6) storage units and a caretaker / manager's residence on the subject property in a General Commercial District / General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 18-23 with the following eighteen (18) conditions:

1. That setbacks be in accordance with § 209 of the Pennington County Zoning Ordinance (PCZO) or approved Variance(s) be obtained;
2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with § 510 of the PCZO;
3. 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 and additional Staff as deemed necessary by the Planning Director;
4. That a minimum of four (4) parking spaces be provided at the location of the storage unit office and a loading and unloading zone be provided for all storage units. The interior roadways must have four (4) inches of gravel, concrete, or asphalt and be maintained in such a manner that no dust will result from continuous use;
5. That in addition to the existing car sales that:
  - A. Six (6) storage units
    - i. Each not to exceed the square footage as indicated on the applicant's site plan included with this Staff Report;
  - B. Office;
  - C. Shop;
  - D. Caretaker's residence
    - i. Only to be lived in by an individual engaged in the day-to-day operation of the storage unit business and not to be used as a Vacation Home Rental;

be allowed on the subject property with approved Permits. Additional non-storage unit structures may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;

6. That Floodplain Development Permits may be required for construction near the Special Flood Hazard Area;
7. That the office/shop building and the caretaker's residence are assigned separate addresses and posted, clearly visible and maintained in accordance with Pennington County Ordinance #20;
8. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
9. That no more than two (2) premise signs shall be allowed in accordance with § 312 of the PCZO, with an approved Sign Permit;
10. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by the County Highway Department and Planning Department;
11. 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;
12. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner's or caretaker's phone number, which must be clearly visible at the entrance of the lot;
13. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
14. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
15. That the property continually remains free of junk and debris;
16. That if any increase of impervious area is greater than 15%, the property owner shall provide storm water treatment of the runoff generated by the first 0.5" of rainfall (See Pennington County Storm Water Manual);
17. That the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning

Commission or Board of Commissioners to ensure that all conditions are being met.

Discussion followed.

**Moved by Coleman and seconded by Johnson to approve of Conditional Use Permit / CU 18-23 with the following eighteen (18) conditions:**

- 1. That setbacks be in accordance with § 209 of the Pennington County Zoning Ordinance (PCZO) or approved Variance(s) be obtained;**
- 2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with § 510 of the PCZO;**
- 3. 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 and additional Staff as deemed necessary by the Planning Director;**
- 4. That a minimum of four (4) parking spaces be provided at the location of the storage unit office and a loading and unloading zone be provided for all storage units. The interior roadways must have four (4) inches of gravel, concrete, or asphalt and be maintained in such a manner that no dust will result from continuous use;**
- 5. That in addition to the existing car sales that:
  - A. Six (6) storage units**
    - i. Each not to exceed the square footage as indicated on the applicant's site plan included with this Staff Report;**
  - B. Office;**
  - C. Shop;**
  - D. Caretaker's residence**
    - i. Only to be lived in by an individual engaged in the day-to-day operation of the storage unit business and not to be used as a Vacation Home Rental;****be allowed on the subject property with approved Permits. Additional non-storage unit structures may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;****
- 6. That Floodplain Development Permits may be required for construction near the Special Flood Hazard Area;**



7. That the office/shop building and the caretaker's residence are assigned separate addresses and posted, clearly visible and maintained in accordance with Pennington County Ordinance #20;
8. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
9. That no more than two (2) premise signs shall be allowed in accordance with § 312 of the PCZO, with an approved Sign Permit;
10. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by the County Highway Department and Planning Department;
11. 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;
12. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner's or caretaker's phone number, which must be clearly visible at the entrance of the lot;
13. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
14. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
15. That the property continually remains free of junk and debris;
16. That if any increase of impervious area is greater than 15%, the property owner shall provide storm water treatment of the runoff generated by the first 0.5" of rainfall (See Pennington County Storm Water Manual);
17. That the applicant signs the Statement of Understanding within (10) business days of approval, which is available at the Planning Department; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

All voting aye, the Motion carried 6 to 0.

23. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 25, 2018, Planning Commission meeting.

July 3, 2018 – The Board of Commissioners approved Minor Plat 18-10 and Subdivision Regulations Variance 18-03 to waive the requirement to construct a turnaround: Kerri and Sabrina Johnston.

EXISTING LEGAL: Lots 20 and 21 of Lot 1 of SW1/4SW1/4 and Lot 22 of Lot 1 of SW1/4SW1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Johnston Subdivision, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

24. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

25. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for June 2018.
- B. SD Planner's Conference (October 17<sup>th</sup> – 18<sup>th</sup>). Conover stated the SD Planner's Conference is coming up in October. Conover indicated the Planning Department will pay for any Planning Commissioners that wish to attend.
- C. Review of Association of State Floodplain Manager's Conference. Conover reviewed information obtained at the National Floodplain Manager's Conference that he attended in June.
- D. Discussion of County Ordinance Violation Report. Discussion of the Planning Department producing an annual or bi-annual County Ordinance Violation Report. An update regarding the preparation of the Report was requested for the August 13, 2018, Planning Commission meeting.
- E. Budget reduction. Discussion regarding mailing packets vs. pick-up packets and its availability on-line.

26. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson discussed Layout Plats contrary to Covenants and presented the idea of requiring notifications to property owners in a Homeowner's Association (i.e. President and/or Board).

Commissioner Lasseter and Commissioner DiSanto stated they will not be able to attend the July 23, 2018, Planning Commission meeting.

27. ADJOURNMENT

**Moved by DiSanto and seconded by Rivers to adjourn.**

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

**The meeting adjourned at 10:31 a.m.**

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Travis Lasseter, Chairperson