

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 13, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lassetter, Kathy Johnson, Rich Marsh, Jim Coleman, Sonny Rivers, Sandra Runde, and Ron Buskerud.

STAFF PRESENT: Cassie Bolstad, Brittney Molitor, Kristina Proietti, Michael Hoffmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 23, 2018, MINUTES
Moved by Marsh and seconded by Runde to approve the Minutes of the July 23, 2018, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Marsh to approve the Agenda of the August 13, 2018, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Marsh and seconded by Runde to approve the Consent Calendar of the August 13, 2018, Planning Commission meeting, with the removal of Items #11, #16, #17, #18 and #22. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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 September 10, 2018, Planning Commission meeting.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-26:** Chris and Donna Dressen. To review a mobile home park (Premier Estates Mobile Home Park) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 10-26 with the following nineteen (19) conditions:

1. **That the outdoor storage area continue to be used exclusively by residents of the mobile home park;**
2. **That the outdoor storage area continue to be screened from adjacent property owners and the picnic area with a solid wood fence at least six (6) feet in height;**
3. **That each guest or visitor parking space continue to be clearly designated;**
4. **That the approved landscape plan showing a proposed landscaped buffer along the entire north and east property line be continually maintained. In addition, irrigation and maintenance shall be provided for the landscaped buffer;**
5. **That prior to any mobile or manufactured home be placed in the park, the address be clearly posted with four (4) inch minimum numbers;**
6. **That a total three fire hydrants be maintained in the mobile home park; one at the intersection of Plateau Lane and Roberts Court, one half way between down Roberts Court and one at the end of the cul-de-sac. Water flow from the hydrants shall not be less than 1000 gallons per minute at 20 psi residual, as requested by the County Fire Coordinator;**
7. **That the private street (Roberts Court) be a minimum of twenty five (25) feet in width from curb face to curb face and that the cul-de-sac bulb be a minimum of 84 feet in diameter, as requested by the County Fire Coordinator;**
8. **That Roberts Court continue to be hard surfaced;**
9. **All water and sewer lines continue to be maintained to Rapid Valley Sanitary District's specifications;**
10. **That a maximum of twenty six (26) mobile home spaces each not less than 6,500 square feet of lot area be allowed;**

11. That Lot 26 be used as the management office, manager's residence, and service building area, and that adequate setbacks be maintained for these structures to the property lines and surrounding mobile homes;
12. That each mobile home lot may have one garage or carport measuring not more than twenty (20) feet by twenty (24) feet to be located at least ten (10) feet from the edge of the private drive identified as Roberts Court on the site plan;
13. That each garage or carport be at least ten (10) feet from the neighboring mobile home;
14. That each garage be provided with a one (1) hour rated fire wall on any walls eight (8) feet or closer to a mobile home;
15. That the mobile home park continually meet the requirements of Section 305 (Mobile Home Parks) of the Pennington County Zoning Ordinance;
16. That the addition of accessory structures, (i.e. decks, shed, or additions to the mobile, etc.) be allowed through the issuance of Building Permits which will include necessary site plans be reviewed and approved by the Planning Director;
17. That prior to transfer of the property, the landowner notify the Planning Director and Conditional Use Permit / CU 14-23 be reviewed.
18. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 10-26, which is available at the Planning Office; and
19. That Conditional Use Permit / CU 10-26 be reviewed in ten (10) years, or prior to the sale or transfer of the subject property, or on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-23:** Keystone Adventures, Inc.; Andrew Busse – Agent. To review a golf driving range and helipad in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

The Unplatted Balance of Government Lot 16 less Right-of-Way; and the Unplatted Balance of Government Lot 21 less Right-of-Way, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-23 with the following sixteen (16) conditions:

- 1. That this Conditional Use Permit allows for a golf driving range and two (2) helipads on the subject property with chartered helicopter tours to be operated from the site;**
- 2. That the hours of operation for commercial helicopter tours during peak season from Memorial Day through Labor Day of each year be 9 a.m.–7 p.m.;**
- 3. That the hours of operation for commercial helicopter tours during the off-season from May 1st until Memorial Day and from Labor Day through October 31st of each year be 10 a.m.–6 p.m.;**
- 4. That the term “commercial helicopter tours” be defined as those given to ticketed customers for the purpose of recreation and enjoyment;**
- 5. That the number of helicopters flying for the purposes of commercial helicopter tours be limited to two (2) at any given time during hours of operation;**
- 6. That the helipad be allowed to be utilized on a limited basis for public service type commercial helicopter tour operations, including, but not limited to, Life Flight, utility patrols, fire fighting, National Guard, etc.;**
- 7. That the lower helipad (nearest to Highway 16A) be utilized as the primary point of takeoff and departure and the upper helipad only be utilized as a backup when warranted by environmental conditions;**
- 8. That off-street parking be provided on-site in accordance with the requirements of § 310 of the Pennington County Zoning Ordinance (PCZO) for commercial recreation uses;**
- 9. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;**
- 10. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;**
- 11. That access to the helipads be limited to employees and customers escorted by employees;**

12. That the comments provided by the U.S. Forest Service be adhered to at all times;
13. That a Sign Permit be obtained prior to the installation of any additional signs on the property. All new signs must meet the requirements of § 312 of the PCZO;
14. That the property (24035 Highway 16A) be clearly visible at all times from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
15. 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; and,
16. That prior to transfer of the property, the landowner notify the Planning Director and Conditional Use Permit / CU 14-23 be reviewed.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-32:** Charles Ferrin. To review living in an existing single-family residence while constructing a new single-family residence and to allow the existing single-family residence to remain as storage on the subject property due to historical age in a General Agriculture District in accordance with Sections 205, and 510 of the Pennington County Zoning Ordinance.

SW1/4; Section 26, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-32 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 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-29:** Arch Duran. To review a Recreational Vehicle to be used as temporary living quarters on the subject property, for seasonal use from May 1st to October 1st, in a General Agriculture District, in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of Lot 1 of S1/2SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-29 with the following ten (10) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property;
2. That the one (1) Recreational Vehicle (RV) continue to only be used seasonally between May 1st and October 1st each year;
3. That the address assigned be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters during the seasonal restrictions, so as to be visible from Black Forest Road, in accordance with Pennington County's Ordinance #20;
4. That the Recreational Vehicle (RV) being used as a temporary residence continue to be hooked into the approved On-Site Wastewater Treatment System;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property continually 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) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property upon end of the seasonal use each year;
9. That the Recreational Vehicle (RV) continue to be utilized for personal use only and shall not be rented at any time; and,
10. That this Conditional Use Permit be reviewed in two (2) 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 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-33:** Bituminous Paving/Terry Sewell. To allow a temporary hot mix asphalt batch plant / stockpile site and contractor's storage area for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of W1/2SE1/4 and that PT of SE1/4SE1/4 located E of Highway 385 less Forest View Subdivision less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-33 to the September 10, 2018, Planning Commission meeting.

Vote: unanimous 7 to 0.

9. **CONSTRUCTION PERMIT REVIEW / CP 16-07:** Site Works Specialists. To review grading the site, constructing a road, and parking area on the subject property.

Tract D of NW1/4SE1/4 less Lot 1, Section 3, T1S, R17E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 16-07 with the applicant's concurrence.

Vote: unanimous 7 to 0.

10. **CONSTRUCTION PERMIT REVIEW / CP 16-08:** Highmark, Inc. To review the removal of existing surfacing, installation of a 33 foot sanitary sewer along the centerline of the existing roadway, and reconstructing the roadway with asphalt surfacing.

Southside Drive between Reservoir Road and Felicia Street, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit / CP 16-08 with the following eight (8) conditions:

1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
7. That during the period of construction, that the street is not blocked and that all homes are accessible by emergency vehicles; and,
8. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 7 to 0.

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

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

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

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

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

Vote: unanimous 7 to 0.

13. REZONE / RZ 17-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-09:

Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To rezone 21.39 acres from Limited Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Suburban Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Subdivision Regulations.

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

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

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

Vote: unanimous 7 to 0.

14. CONSTRUCTION PERMIT / CP 18-07: David and Leah Byers. To level and grade roads to be utilized as driveways for future construction of a single-family residence and cabins.

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

To approve of Construction Permit / CP 18-07 with the following seven (7) conditions:

- 1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained, if the disturbance exceeds one (1) acre and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the**

area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;

4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That the disturbed areas be re-vegetated with weed free seed as required in PCZO §507(A)(5)(c);
6. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
7. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 7 to 0.

15. **CONSTRUCTION PERMIT / CP 18-08:** Heavy Constructors. To excavate and grade land to install 8-inch and 12-inch water main and water service installation.

Rapid Valley Sanitary District, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 18-08 with the following ten (10) conditions:

1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;

4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That Long View Road and the right-of-way must be restored to the pre-construction condition;
6. That any traffic signs that are damaged and/or removed shall be replaced by RVSD or the contractor;
7. That one lane of Long View Road must be open to traffic with the use of a pilot car or flaggers;
8. That the disturbed areas be re-vegetated as required in PCZO §507(A)(5)(c);
9. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
10. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 7 to 0.

19. **CONDITIONAL USE PERMIT / CU 18-29:** John and Lori Sabo. To live in an existing shop building, while a new single-family residence is under construction on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 10, Back Country Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-29 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of Back Country Trail, in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);

4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That an onsite wastewater treatment system is installed and connected to the temporary living quarters, prior to occupancy, and, once the single-family residence is constructed and habitable, the onsite wastewater treatment system is connected to the residence and disconnected from the temporary living quarters;
6. That the temporary living quarters is removed from the shop building once the single-family residence is habitable;
7. That the subject property remains free of debris and junk vehicles;
8. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-29; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

20. **CONDITIONAL USE PERMIT / CU 18-30**: Hayden Clark. To allow a single-wide mobile home to be used as a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NW1/4, S1/2 less ROW, Section 20, T2N, R17E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-30 with the following eight (8) conditions:

1. That the landowner meet with County Planning Staff prior to August 31, 2018, to discuss what is needed to bring the subject property into compliance;
2. That prior to November 30, 2018 and prior to any further work being done on the subject property, a Building Permit, with applicable penalty fees, be obtained for the existing single-wide mobile home;

3. That prior to November 30, 2018 and prior to any further work being done on the subject property, an On-site Wastewater Treatment System Construction Permit and Operating Permit be obtained;
4. That the minimum setback requirements of a General Agricultural District be continually maintained on the property;
5. That the single-wide mobile home have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-30; and,
8. That this Conditional Use Permit be reviewed at the December 17, 2018, Planning Commission meeting, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

21. **CONDITIONAL USE PERMIT / CU 18-31:** A&O Enterprises; David Finneman. To allow an existing Recreational Vehicle to be used as temporary living quarters to allow the applicant time to place a governor's home on the property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NW1/4, S1/2 less ROW, Section 20, T2N, R17E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 18-31 to the August 27, 2018, Planning Commission meeting.

Vote: unanimous 7 to 0.

23. **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.

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

To recommend to continue the review of Major Planned Unit Development Amendment / PU 17-01 to the September 10, 2018, Planning Commission meeting.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

11. CONSTRUCTION PERMIT REVIEW / CP 16-09: Lazy P6 Land Co. Inc. / Orvil Davis. To review the continuing work initiated under Construction Permits 13-05, 14-02, and 15-14. Reclamation of hay pasture west of Fifth Street and to continue stockpiles of off-site soil material for future use on-site. Miscellaneous channel maintenance, removal of debris, and sediment.

Unit I less dedicated E. Watts Lane ROW; Unit II; and Unit III of Southgate Condominiums Phase I; Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Construction Permit / CP 16-09 with eight (8) conditions.

Discussion followed.

Moved by Marsh and seconded by Johnson to approve of the extension of Construction Permit / CP 16-09 with the following eight (8) conditions:

- 1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;**
- 2. 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;**
- 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**

4. **That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;**
5. **That any natural drainage ways and paths be continually maintained;**
6. **That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;**
7. **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;**
8. **That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.**

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT / CU 18-26: Kelly and Brenda Hansen. To allow for a Recreational Vehicle to be used for no more than 180 calendar days on the subject property and to also allow the Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

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

Staff recommend approval of Conditional Use Permit / CU 18-26 with thirteen (13) conditions.

Discussion followed.

Moved by Johnson and seconded by Buskerud to approve of Conditional Use Permit / CU 18-26 with the following thirteen (13) conditions:

1. **That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;**
2. **That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment**

system within six (6) months of approval of Conditional Use Permit / CU 18-26 and prior to placement of the RV on the subject property;

- 3. That the applicant work with South Dakota Wildland Fire to develop a fire mitigation plan and a copy of the plan be provided to the Planning Department;**
- 4. That a Building Permit application for the proposed single-family residence on Lot 3, Block 3 be submitted within three (3) years of approval of Conditional Use Permit / CU 18-26;**
- 5. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
- 6. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;**
- 7. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;**
- 8. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;**
- 9. 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;**
- 10. That upon completion of the single-family residence on Lot 3, Block 3, the RV will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;**
- 11. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;**
- 12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-26, which is available at the Planning Office; and,**
- 13. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

17. CONDITIONAL USE PERMIT / CU 18-27: John and Vicki Hansen. To allow for a Recreational Vehicle to be used for no more than 180 calendar days on the subject property (seasonally) and to also allow a carport to cover the Recreational Vehicle and deck in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5 (also in Section 20), Black Metal Lode MS 1986, Section 19, 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 Conditional Use Permit / CU 18-27 with eleven (11) conditions.

Discussion followed.

Moved by Johnson and seconded by Buskerud to approve of Conditional Use Permit / CU 18-27 with the following eleven (11) conditions:

- 1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 5, Black Metal Lode MS 1986) at any time;**
- 2. That the RV may not be utilized as living quarters for more than 180 days per calendar year;**
- 3. That the applicants be allowed to construct one (1) RV carport and one (1) deck, with the issuance of approved Building Permits;**
- 4. That the applicant work with South Dakota Wildland Fire to develop a fire mitigation plan and a copy of the plan be provided to the Planning Department;**
- 5. That the address assigned for the property (12491 Tall Pine Road) be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters and at the driveway, in accordance with Pennington County's Ordinance #20;**
- 6. That while the RV is being used as living quarters it be hooked into the approved On-Site Wastewater Treatment System;**

7. **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;**
8. **That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;**
9. **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;**
10. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-27, 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 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 7 to 0.

18. CONDITIONAL USE PERMIT / CU 18-28: Harry and Gail McKane. To live in the existing residence while building a new single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

Bolstad asked to have this Item removed from the Consent Agenda to amend language in the Conditions of Approval.

Staff recommended approval of Conditional Use Permit / CU 18-28 with the following ten (10) conditions:

1. That an approved Floodplain Development Permit be obtained prior to any work being done near or within the Special Flood Hazard Area;
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 the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;

4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
5. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That the landowners work with the Pennington County Environmental Planner to ensure compliance with Pennington County Zoning Ordinance § 204(J);
7. That the temporary living quarters be removed from the hay shed once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
8. That the subject property remains free of debris and junk vehicles;
9. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-28; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Marsh to approve of Conditional Use Permit / CU 18-28, with amended language in Conditions #4 and #7, with the following ten (10) conditions:

- 1. That an approved Floodplain Development Permit be obtained prior to any work being done near or within the Special Flood Hazard Area;**
- 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 the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;**
- 4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters) unless a Conditional Use Permit is approved to allow the existing residence (hay shed) as a second residence;**

5. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That the landowners work with the Pennington County Environmental Planner to ensure compliance with Pennington County Zoning Ordinance § 204(J);
7. That the temporary living quarters be removed from the hay shed once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence; whichever comes first. If the applicants wish to keep the living quarters in the hay shed, a new Conditional Use Permit allowing such use must be applied for once the new single-family residence is habitable;
8. That the subject property remains free of debris and junk vehicles;
9. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-28; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

22. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-06: Coyote Blues Vintage Bed and Breakfast. To review the existing Planned Unit Development to allow the road to be constructed with a 12-foot-wide minimum surface area width and 4 inches of gravel; that a maximum of 10 bedrooms be utilized in the bed and breakfast establishment with a maximum occupancy of 24 persons at any one time; to remove Condition #13; and that the specific uses of this Planned Unit Development be for a resort development consisting of a 10 bedroom bed and breakfast and a residential development not exceeding 1 residence per 10 acres in accordance with Section 213 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue the review of Minor Planned Unit Development Amendment / PU 17-06 to the August 27, 2018, Planning Commission meeting.

Commissioner Runde stated she would be abstaining from voting on this item.

Moved by Marsh and seconded by Coleman to continue the review of Minor Planned Unit Development Amendment / PU 17-06 to the August 27, 2018, Planning Commission meeting.

All voting, the Motion carried 6 to 0. Commissioner Runde abstained from voting.

24. CONDITIONAL USE PERMIT / CU 18-25: Scott Widvey. 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 B of Lot 1, Rohrer Subdivision, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

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

Molitor stated the applicant would like to continue their request to the August 27, 2018, Planning Commission meeting.

Moved by Buskerud and seconded by Marsh to continue Conditional Use Permit / CU 18-25 to August 27, 2018, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

25. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-05: Grant and Sandra Parsons (Plum Creek Homes). To amend an existing Planned Unit Development to allow the proposed single-family residence to be used as a bed and breakfast on the subject property in accordance with Sections 213 of the Pennington County Zoning Ordinance.

Tract 43, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to amend the Rushmore Ranch Estates Planned Unit Development to allow the proposed single-family residence to be used as a bed and breakfast.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 18-05 with the following twelve (12) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 17-08 be continually adhered to;
2. That the uses on Tract 43 of Rushmore Ranch Estates be limited to a single-family residence in accordance with PU 17-08 or a Bed and Breakfast;

3. That a Building Permit be obtained for the proposed single-family residence to be used as a Bed and Breakfast prior to any work being done;
4. 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;
5. That prior to operation, the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort (Bed and Breakfast) including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue and that copies of the valid permits be provided to the Planning Director upon receipt;
6. That prior to operation, a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
7. That prior to operation a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times, hung on the walls at the appropriate height (5'3" to the gauge) and the fire extinguisher shall be inspected and tagged annually;
8. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
9. That at all time, the applicants comply with South Dakota Codified Law 34-18;
10. That the physical address of the structure be posted in each guest room utilized for the Bed and Breakfast;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development / PU 18-05, which is available at the Planning Office; and,
12. That this Minor Planned Unit Development 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 Marsh and seconded by Johnson to approve of Minor Planned Unit Development Amendment / PU 18-05 with the following twelve (12) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 17-08 be continually adhered to;
2. That the uses on Tract 43 of Rushmore Ranch Estates be limited to a single-family residence in accordance with PU 17-08 or a Bed and Breakfast;
3. That a Building Permit be obtained for the proposed single-family residence to be used as a Bed and Breakfast prior to any work being done;
4. 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;
5. That prior to operation, the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort (Bed and Breakfast) including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue and that copies of the valid permits be provided to the Planning Director upon receipt;
6. That prior to operation, a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
7. That prior to operation a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times, hung on the walls at the appropriate height (5'3" to the gauge) and the fire extinguisher shall be inspected and tagged annually;
8. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
9. That at all time, the applicants comply with South Dakota Codified Law 34-18;
10. That the physical address of the structure be posted in each guest room utilized for the Bed and Breakfast;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development / PU 18-05, which is available at the Planning Office; and,

12. **That this Minor Planned Unit Development 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 7 to 0.

26. LAYOUT PLAT / PL 18-21: John and Polly Preston. To create Lots 1 and 2 of Tract AR of Preston Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract AR, Preston Subdivision, Section 18, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Tract AR, Preston Subdivision, Section 18, T2S, R8E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create two lots.

Staff recommended approval of Layout Plat / PL 18-21 with the following nine (9) 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 prior to new Plat submittal, the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for proposed Lot 2 to add capacity to the existing tank system and a drainfield. The on-site wastewater treatment system must be in full compliance and approved by the County Environmental Planner prior to filing the Plat with the Register of Deeds;
3. 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;
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 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;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-21, 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 Coleman and seconded by Marsh to approve of Layout Plat / PL 18-21 with the following nine (9) 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 prior to new Plat submittal, the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for proposed Lot 2 to add capacity to the existing tank system and a drainfield. The on-site wastewater treatment system must be in full compliance and approved by the County Environmental Planner prior to filing the Plat with the Register of Deeds;**
- 3. 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;**
- 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 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;

- 8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-21, 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 7 to 0.

27. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 23, 2018, Planning Commission meeting.

28. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

29. ITEMS FROM THE STAFF

A. Building Permit Report. Bolstad reviewed the Staff Report for July 2018.

30. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

31. ADJOURNMENT

Moved by Marsh and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:40 a.m.

Travis Lasseter, Chairperson