

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 8, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lassetter, Rich Marsh, Kathryn Johnson, Sandra Runde; and Lloyd LaCroix.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Michael Hoffmann (SAO) and Jeri Ervin

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 24, 2018, MINUTES
Moved by Marsh and seconded by Runde to approve the Minutes of the September 24, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Marsh to approve the Agenda of the October 8, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Marsh and seconded by Johnson to approve the Consent Calendar of the October 8, 2018, Planning Commission meeting. Vote: unanimous 5 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.

(Continued from the September 10, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 99-37 with the following twenty (20) conditions:

1. **That the mobile home park has a maximum of 41 mobile home spaces with one of the lots acting as the caretaker's or manager's residence;**

2. That each mobile home space be allowed one mobile home, manufactured home or modular home;
3. That each mobile home be allowed decks and each mobile home space be allowed accessory structures with the issuance of an approved Building Permit;
4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) continue to be maintained;
5. That a minimum 10-foot separation between accessory structures (e.g. carports, sheds) and mobile homes on adjacent lots continue to be maintained;
6. That a minimum 42-foot setback be continually maintained from Country Road to ensure adequate Right-of-Way for future improvements on Country Road;
7. That a minimum front yard setback of ten (10) feet be continually maintained from all access roads within the mobile home park;
8. That a minimum rear and side yard setback on all sides of the property of not less than ten (10) feet be continually maintained;
9. That each mobile home space continue to have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than one hundred sixty two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
10. That a minimum of eleven (11) visitor parking spaces continue to be provided. Each space shall measure a minimum of 9 feet by 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
11. That the first 100 feet of the western interior roadway continue to be continually maintained with a chip seal surface at a minimum of 25-feet in width;
12. That the interior roads be continually maintained in a dust free manner;
13. That a stop sign be continually posted at the east intersection where the looped interior road and Country Road intersect;
14. That all lot addresses continue to be posted property so they are clearly visible from Elkhorn Lane in accordance with Pennington County's Ordinance #20;

15. That a Building Permit be obtained for the removal or placement of mobile homes on the property;
16. 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;
17. That the mobile home park be provided with an on-site management office;
18. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;
19. That the use of the property continue to be in compliance with all local, state, and federal regulations; and,
20. 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 ensure that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 09-34:** Lance and Daina Verhulst. To review a Fifth Wheel Camper to be parked on a vacant lot and utilized during the summer months in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 4, Bear Mountain Ranch Subdivision, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

(Continued from the September 10, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 09-34 with the following five (5) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet or which includes the necessary site plans to be reviewed and approved by the Planning Director;
2. That no additional living quarters be allowed to exist on the property;
3. That the site has an improved site area for the recreational vehicle. If the recreational vehicle is not equipped with a bathroom/shower facility, said facility must be provided on the premises and connected to the wastewater disposal system;
4. That the recreational vehicle shall not be used as living quarters on the premises for more than 180 days per calendar year; and,

5. That this Conditional Use Permit be reviewed in four (4) years or on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 13-21:** Aaron Olson. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 8 of Tract A, Sunnyside Acres Subdivision, Section 25, T2N, R4E, BHM, Pennington County, South Dakota.

(Continued from the September 24, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 13-21 with the following eleven (11) conditions:

1. That the Vacation Home Rental continue to have a maximum overnight occupancy of eight (8) people;
2. That a minimum of three (3) off-street parking spaces continue to be provided and each parking space continue to be not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08 which regulates Vacation Home Rentals;
5. That the applicant maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That the applicant maintains an Operating Permit, on the subject property, as required by § 204-(J);
8. That an interior informational sign continue to be posted in accordance with the requirements of § 319-(G);

9. That the applicant submits a Fire Mitigation plan to be reviewed and approved prior to the next review of the applicants Conditional Use Permit;
10. That if the person designated as the Local Contact is ever changed from Aaron Olson, or if their contact information has changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by requirement §319 (F) (5); and,
11. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis or as directed by either the Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 13-22:** Dudley and Ila LaPointe. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 25, Block 7, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 13-22 with the following ten (10) conditions:

1. That a Building Permit be obtained for a new mobile home only after the Pennington County Environmental Planner has approved the applicant's proposal to either install a new On-Site Wastewater Treatment System or re-size the existing system to accommodate additional bedrooms;
2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or the appropriate Setback Variance be obtained;
3. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
4. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
5. That the property continue to be kept free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
6. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;

7. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
8. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting;
9. That the Conditional Use Permit will automatically expire on October 29, 2019, if the use of CU 13-22 has not been established, per Section 510-(E) and that the applicant signs a Statement of Understanding at the Planning Department within ten (10) business days of the approval of the extension of Conditional Use Permit / CU 13-22; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 14-27:** Wayne and Phyllis Krell. To review a single-wide manufactured home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6A of Lot 6 in Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 14-27 to the October 22, 2018, Planning Commission meeting to allow staff time to contact both the landowner and renter so that the property can be brought into compliance.

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 14-28:** Don Behrens. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota

To approve of the extension of Conditional Use Permit / CU 14-28 with the following ten (10) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;

2. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08 which regulates Vacation Home Rentals;
5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as atvs and horses;
8. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR;
9. That if the person designated as the Local Contact is ever changed from Margaret Bowser, or if their contact information has changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by requirement §319 (F) (5); and,
10. That this Conditional Use Permit be reviewed in three (3) years, 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 5 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 16-37:** Wade and Shari Greseth. To review a Recreational Vehicle to be used as temporary living quarters, while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tact B of E1/2SE1/4SW1/4, Section 29, T1S, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-37 with the applicants' concurrence.

Vote: unanimous 5 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 16-42:** Chase Gravatt. To review a single-wide mobile home to be used as a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NW1/4NW1/4SW1/4, Section 13, T2N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-42 with the applicant's concurrence.

Vote: unanimous 5 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 17-13:** Diana Bryant. To review living in an existing single-wide mobile home, while building a single-family residence on the subject property, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 5 and 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-13 to the November 13, 2018, Planning Commission meeting to allow the applicant time to obtain a Removal Permit for the single-wide mobile home.

Vote: unanimous 5 to 0.

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

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

(Continued from the August 27, 2018, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 17-22 to the December 17, 2018, Planning Commission meeting.

Vote: unanimous 5 to 0.

13. **CONDITIONAL USE PERMIT REVIEW / CU 17-37:** Ken and Nancy Denke. To review living in an existing camper while building a single-family residence or cabin on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Hidden Treasure Lode MS 607, Section 26, T1N, R4E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-37 with the following eleven (11) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property during construction of the single-family residence or cabin; unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;**
2. **That an address be assigned for the property and clearly posted on the Recreational Vehicle (RV)/Camper while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence in accordance with Pennington County's Ordinance #20;**
3. **That prior to the October 2019 review of CU 17-37, the landowner bring the existing deck into compliance and obtain an approved Building Permit, with applicable penalty fees;**
4. **That prior to the October 2019 review of CU 17-37 or prior to the Recreational Vehicle (RV)/Camper being used as a temporary residence, whichever comes first, the landowners meet with Planning Staff to discuss an approved means of On-Site Wastewater Disposal for the subject property;**
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 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 upon completion of the single-family residence or cabin on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property, unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;**

9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
10. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-37, 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.

Vote: unanimous 5 to 0.

14. **CONSTRUCTION PERMIT REVIEW / CP 15-18:** Dennis Zandstra Real Estate Holdings; Steve Zandstra. To review placing fill in an area south of the Project Area on the subject property; in conjunction with the Grading Plan for Elks Country Estates, Phase IV-VIII (City of Rapid City).

NW1/4 LESS N1/2N1/2NE1/4NW1/4; W1/2NE1/4 LESS N1/2N1/2NW1/4NE1/4; W1/2SW1/4 LESS ROW, Section 21, T1N, R8E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 15-18 with the applicant's concurrence.

Vote: unanimous 5 to 0.

16. **CONSTRUCTION PERMIT REVIEW / CP 17-12:** Lazy P6 Land Co. Inc. / Orvill Davis. To continue work initiated under Construction Permit 13-05, 14-02, 15-14, and 16-09. The proposed project includes stockpiling of soil for future use on-site. To continue reclamation of hay pasture west of Fifth Street.

South Gate Condos SE1/4; W1/2SW1/4 of Section 24, T1N, R7E; and W1/2SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit / CP 17-12 with the following nine (9) 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 the applicant sign a Statement of Understanding within ten (10) days of Construction Permit approval, which is available at the Planning Office; and,
9. 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.

Vote: unanimous 5 to 0.

17. **CONDITIONAL USE PERMIT / CU 18-35:** Lorrie Behl. To allow for a single-wide mobile home to be used as a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-35 with the following eight (8) conditions:

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
2. That the single-wide mobile home be assigned an address, which must be posted in accordance with Pennington County Ordinance #20;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;

6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-35; and,
8. 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 5 to 0.

18. **MINOR PLAT / PL 18-30**: John and Polly Preston. To create Lots 1 and 2 of Tract AR of Preston Subdivision in accordance with Section 400.3 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.

To recommend approval of Minor Plat / PL 18-30 with the following ten (10) 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 filing the Plat with the Register of Deeds, 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;
3. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected in accordance with Register of Deeds comments;
4. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That upon filing the Plat with the Register of Deeds, 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;

6. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
8. 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;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-30, which is available at the Planning Office; and,
10. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

15. CONSTRUCTION PERMIT REVIEW / CP 17-03: Mitch Morris. To review the grading of the site and use as a storage area to stockpile soil and concrete debris.

Lot 1 of SW1/4NE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the September 10, 2018, Planning Commission meeting.)

Staff asked to have this Item removed from the Consent Calendar to discuss amending the language in Staff's recommendation and the Conditions of Approval

Staff had originally recommended to continue the review of Construction Permit / CP 17-03 to the November 13, 2018, Planning Commission meeting, with two (2) conditions, referencing the above applicant.

Staff is now recommending to continue the review of Construction Permit / CP 17-03 to the November 13, 2018, Planning Commission meeting to allow staff time to meet with the new landowner, and, with the following two (2) conditions:

1. That the new landowner provide Staff with the necessary information regarding the above in § 4(D) and 4(E) of the Staff Report prior to November 6, 2018 or Notices of Violation will be sent to the owner; and,

2. If additional continuations of CP 17-03 are necessitated by the new landowner, each continuation will be subject to Section 511(X).

Discussion followed.

Moved by Runde and seconded by Johnson to continue the review of Construction Permit / CP 17-03 to the November 13, 2018, Planning Commission meeting to allow staff time to meet with the new landowner, with the following two (2) conditions:

1. That the new landowner provide Staff with the necessary information regarding the above in § 4(D) and 4(E) of the Staff Report prior to November 6, 2018, or Notices of Violation will be sent to the owner; and,
2. If additional continuations of CP 17-03 are necessitated by the new landowner, each continuation will be subject to Section 511(X).

All voting aye, the Motion carried 5 to 0.

19. CONDITIONAL USE PERMIT / CU 18-36: Shadrach and Holly Howie. To allow for a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for a Guest House on the subject property.

Staff recommended approval of Conditional Use Permit / CU 18-36 with the following twelve (12) conditions:

1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10) prior to the next review of CU 18-36;

6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved in accordance with the Pennington County Zoning Ordinance;
8. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Antelope Creek Road, in accordance with Pennington County Ordinance #20;
9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318 and 502 or a Variance(s) be approved to waive any requirements;
10. 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;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-36, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Marsh to approve of Conditional Use Permit / CU 18-36 with the following twelve (12) conditions:

- 1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);**
- 2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;**
- 3. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;**

4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10) prior to the next review of CU 18-36;
6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved in accordance with the Pennington County Zoning Ordinance;
8. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Antelope Creek Road, in accordance with Pennington County Ordinance #20;
9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318 and 502 or a Variance(s) be approved to waive any requirements;
10. 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;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-36, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as 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 5 to 0.

20. LAYOUT PLAT / PL 18-29: Borglum Historical Center, Inc. / Duane Pankratz; Ken Nash – Agent. To create Lot 1 of Borglum Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT NW1/4SW1/4, and Balance of Lot C of NW1/4SW1/4 all of N of HWY, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot 1 of Borglum Subdivision.

Staff recommended approval of Layout Plat / PL 18-29 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 at the time of Minor 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;
3. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots and the unplatted remainder, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-29. The SOU 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 Marsh and seconded by Johnson to approve of Layout Plat / PL 18-29, with staff's amended language to Section III of the Staff Report, 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 at the time of Minor 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;
3. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots and the unplatted remainder, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-29. The SOU 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 5 to 0.

21. CONDITIONAL USE PERMIT / CU 18-37: Caputa Alpaca's Guest Ranch and Fiber Mill / Glenn and Debbie Lepp. To allow an RV Campground with an Alpaca Guest Ranch, store, and fiber mill on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

Conover stated the applicants have applied for a Conditional Use Permit to allow an RV Campground with an Alpaca Guest Ranch, store, and fiber mill on the subject property.

Staff recommended to continue Conditional Use Permit / CU 18-37 to the October 22, 2018 Planning Commission meeting with the applicant's concurrence.

Moved by Runde and seconded by Johnson to continue Conditional Use Permit / CU 18-37 to the October 22, 2018 Planning Commission meeting with the applicant's concurrence.

All voting aye, the Motion carried 5 to 0.

22. MOTION TO SCHEDULE A SPECIAL PLANNING COMMISSION MEETING.

Chairman Lasseter spoke of the Board of Commissioners' directive for the Planning Commission to schedule a Special Planning Commission meeting to hear Croell, Inc.'s applications for Construction and Mining Permits.

Discussion followed.

Moved by Runde and seconded by Marsh to hold a Special Planning Commission meeting scheduled for Wednesday, November 14, 2018, at 9 a.m. All voting aye, the Motion carried 5 to 0.

23. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 24, 2018, Planning Commission meeting.

The SECOND READING OF MAJOR PUD AMENDMENT / PU 18-06: Catherine Sopinski; Rob Livingston – Agent. To amend an existing Planned Unit Development to allow the single-family residence to be used as a Vacation Home Rental, was continued to the October 16, 2018, Board of Commissioner's meeting.

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 September 2018.
- B. Update - On-Site Wastewater Installer Training. Conover provided the Planning Commission with an update regarding the On-Site Wastewater Installer Training that was held on Friday, October 5th.
- C. Draft Comprehensive Plan (1-28-19 PC Meeting). Conover stated the Draft Comprehensive Plan will be on the Agenda for the second meeting in January 2019. Conover further noted that staff has sent advertisements to the three designated newspapers informing the public that the draft version is available online and at the office to view and for public comment. Staff has also been informing the public via the office, meetings, and handing out business cards for public comment.

26. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh stated he has jury duty in October and will keep everyone updated. Commissioner Johnson spoke of the Special Planning Commission meeting.

27. ADJOURNMENT

Moved by Marsh and seconded by Runde to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:53 a.m.

Travis Lasseter, Chairperson