

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 22, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathryn Johnson, Jim Coleman, Sandra Runde;
and Lloyd LaCroix.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Kristina Proietti,
Michaele Hoffmann (SAO) and Jeri Ervin

ROLL CALL

1. APPROVAL OF THE OCTOBER 8, 2018, MINUTES
Moved by Runde and seconded by Johnson to approve the Minutes of the October 8, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.

Commissioner Rivers appeared at the meeting at 9:02 a.m.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Runde to approve the Agenda of the October 22, 2018, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Coleman and seconded by Rivers to approve the Consent Calendar of the October 22, 2018, Planning Commission meeting, with the removal of Item #13. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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.

(Continued from the October 8, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 14-27 with the following seven (7) conditions:

1. That the lot address continue to be clearly posted, so as to be visible from both directions on Gemini Street in accordance with Pennington County's Ordinance #20;
2. That the subject property continues to remain free of debris and junk vehicles;
3. That the mobile home installed on the property continue to have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
5. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance; and,
7. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-29:** Isaac Malsom. To review the use of an existing private air strip to be used for the applicant's personal aircraft in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4 less ROW, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-29 with the following seven (7) conditions:

1. That a sign continue to be conspicuously posted along Highway 1416 indicating low flying aircraft;

2. That the air strip continue to be used for personal/private use only;
3. That the applicant continue to adhere to FAA rules and regulations at all times;
4. That the hours of operation for the airstrip continue to be from dawn to dusk;
5. That the Conditional Use Permit is revoked upon the sale or transfer of the property;
6. That the airstrip remains a grass runway; and,
7. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as directed by the Pennington County Board of Commissioners and/or the Planning Commission in order to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-25:** Rushmore Shadows, LLC; Gene Addink – Agent. To review a Recreational Resort with the addition of 45 RV sites to the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 15-25 to the December 17, 2018, Planning Commission meeting.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-28:** Michael or Erika Radtke; Kathleen Kaul- Owner. To review a single-wide mobile home to be used as a ranch hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT of S1/2SE1/4 lying South of Highway less right-of-way and less Tract A, Wiese Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-28 with the following seven (7) conditions:

1. That the use of the single-wide mobile home as a ranch hand residence has been established, per Section 510(E)(1)(a) of the Pennington County Zoning Ordinance, Conditional Use Permit / CU 15-28 will automatically expire if the use ceases for a year or more;
2. 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;
3. That the residence be occupied by a ranch hand or used as housing for hired help at all times, and not used as a rental by someone not engaged in the daily operation of the farm or ranch located on the subject property;
4. That the address for the ranch hand's residence continue to be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of a General Agriculture District continue to be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit;
6. That the applicants and landowners sign a new Statement of Understanding (SOU) within ten (10) business days of the extension of Conditional Use Permit / CU 15-28. The SOU is available at the Planning Office; and,
7. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-30:** Carol and Paul Niemann. To review an accessory structure, pole barn, prior to a primary structure on the subject property in a General Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot O of SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-30 with the following ten (10) conditions:

1. That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;

2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction of the structure, which requires a site plan to be reviewed and approved by the Planning Director;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a General Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That the accessory structure be used for personal use only and no commercial-type uses;
7. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
8. That the property owner is aware of the U.S. Forest Service requirements at all times;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of the extension of Conditional Use Permit / CU 16-30. The SOU will be available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-35:** Eldon Nygaard. To review a non-lighted, off-premise sign within 1,500 feet of a residential zoning district/dwelling unit in Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Three Forks Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-35 with the following six (6) conditions:

1. That both sides of the sign conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance at all times;
2. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
3. That the installation of any other off-premise signs on the property requires a separate Sign Permit to be obtained and this Conditional Use Permit must be reviewed and amended;
4. That if the applicant decides to illuminate either side of the sign structure, this Conditional Use Permit shall be revoked and the applicant will need to apply for a new Conditional Use Permit;
5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-35, which is available at the Planning Office; and,
6. That this Conditional Use Permit be reviewed in two (2) years, as deemed necessary by the Pennington County Planning Commission or Board of Commissioners or on a complaint basis to verify that all Conditionals of Approval are being met.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-27:** Beverly Sears. To review an existing 12' x 12' structure to be used as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208, and 510 of the Pennington County Zoning Ordinance.

Lots 22-23, Block, 8, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-27 to the November 26, 2018, Planning Commission meeting with the following two (2) conditions:

1. That the applicant and/or landowner provide Staff with the necessary information regarding the above in § V(A) of this Staff Report prior to November 16, 2018, or Notices of Violation will be sent to the owner; and,
2. If additional continuations of CU 17-27 are necessitated by the landowner, each continuation will be subject to § 511(X).

Vote: unanimous 6 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-38:** Daniel Johnson, Highmark Properties. To review a multi-family dwelling in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-38 to the January 14, 2019, Planning Commission meeting.

Vote: unanimous 6 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 17-39:** Colonial Pine Hills Sanitary District/Jim Martin. To review an office building on the subject property to serve the Colonial Pine Hills Sanitary District in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1B, Block 1, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-39 with the following ten (10) conditions:

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That the applicant continually adhere to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;**
3. **That the structure only be allowed as an administration office to be used by members of the Colonial Pine Hills Sanitary District and not as a residence;**
4. **That all aspects of the business continue to be conducted entirely within an enclosed structure and no stock in-trade shall be displayed outside the enclosed structure;**
5. **That reasonable measures are taken to control odors, fumes, dust, noise, vibration, and lighting resulting from the business so as to not constitute a nuisance to the general public;**
6. **That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;**

7. That the address for the property be properly posted in accordance with Pennington County's Ordinance #20;
8. That the off-street parking requirements for professional offices continue to be followed at all times, per Pennington County Zoning Ordinance § 310(A)(9)(b);
9. That a Sign Permit be obtained for any sign on the subject property and must conform to all regulations in § 312 of the Pennington County Zoning Ordinance; and,
10. 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.

Vote: unanimous 6 to 0.

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

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

(Continued from the October 8, 2018, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 17-47 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, and the second existing RV be used strictly for storage;
2. That the one (1) Recreational Vehicle (RV) shall only be used seasonally between May 1st and October 1st of each year;
3. That an address (24124 Leaky Valley Road) is clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters during the seasonal restrictions, 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 Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the Recreational Vehicle (RV) shall be disconnected from all utilities and may no longer be utilized as living quarters on the subject property upon end of the seasonal use;
9. That the Recreational Vehicle (RV) continue to be for personal use only and shall not be rented commercially 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 6 to 0.

14. **CONSTRUCTION PERMIT REVIEW / CP 17-14:** Cody Schad. To review the construction of a road constructed outside of the Section Line Right-of-Way and to satisfy a Condition of Approval for CS16-02.

E1/2SW1/4NW1/4 LESS ROW; W1/2SW1/4 NW1/4 and Lot 28, Copper Oaks #1, all located in Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Construction Permit / CP 17-14 to the November 13, 2018, Planning Commission meeting.

Vote: unanimous 6 to 0.

15. **TELECOMMUNICATIONS FACILITY PERMIT REVIEW / TC 09-04:** Alltel Communications, Inc.; Robert Baker Revocable Trust. To review a 190 foot monopole communications tower in a General Agriculture District in accordance with Sections 205, 316, and 510 of the Pennington County Zoning Ordinance.

BLL located on Lot 1 of BTP Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Telecommunications Facility Permit / TC 09-04 with the following nine (9) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which include necessary site plans to be reviewed and approved by the Planning Director;
2. That the Planning Director may allow additional development or construction, which is consistent with the existing development of the Stealth Monopole. Significant changes in the use or appearance of the Stealth Monopole, as determined by the Planning Director, shall require an amendment to Telecommunication Facility Permit / TC 09-04;
3. That a security fence continues to be maintained around the tower and accessory structures in accordance with Section 316 of the Zoning Ordinance;
4. That the Landowner have the address properly posted in accordance with Ordinance #20, prior to April 2019;
5. That a minimum of two (2) off-street parking spaces continue to be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;
6. That emergency radio communication equipment continue to be allowed on the tower so long as it does not interfere with the applicant's broadcast equipment;
7. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property;
8. That the driving surface for the access road be a minimum of 14 feet wide and maintained in a dust free manner; and
9. That this Telecommunications Facilities Permit be reviewed during the second Planning Commission on March 2019, on a complaint basis, as needed by staff or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are met.

Vote: unanimous 6 to 0.

16. **CONDITIONAL USE PERMIT / CU 18-40:** Eli Rodolph / Rodolph Investments. To allow an accessory structure (pole barn building) prior to a principal structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 18-40 with the following thirteen (13) conditions:

- 1 That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;**
- 2. That an approved Building Permit be obtained for the proposed pole barn prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 4. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;**
- 5. That the proposed pole barn be used for personal use only and no commercial-type uses;**
- 6. That all the natural drainage paths be maintained;**
- 7. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;**
- 8. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance § 507(A) and 511(C)(1);**
- 9. That the address, once assigned be posted during the construction of the pole barn and at the end of the driveway off of South Highway 16, so it is visible from both directions of travel on South Highway 16, in accordance with the Pennington County's Ordinance #20;**
- 10. That the applicant adhere to § (510)(E) of the Zoning Ordinance regarding the time limit on Conditional Use Permit established uses;**
- 11. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;**

12. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-40, which is available at the Planning Office; and,
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

17. **MINOR PLAT / PL 18-31:** Perry and Vicki Van Newkirk. To combine two lots to create Lot 47 Revised of Burns Placer MS 697 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 47 and Lot 48, Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 47 Revised, Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 18-31 with the following eleven (11) conditions:

1. That upon filing the Plat with the Register of Deeds, the easement agreement filed in Book 46, Page 8036, which gives ingress/egress across Lots 44, 45, and 46 from Deerfield Road, be noted on the Plat;
2. That upon filing the Plat with the Register of Deeds, the limits of the 100-year Floodplain continue to be shown on the plat in accordance with current FEMA maps;
3. 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;
4. That the existing address (12283 Deerfield Road) be properly posted on the existing residence so it is visible from Deerfield Road, in accordance with Pennington County's Ordinance #20;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;

7. That the applicant use the existing access for the subject property as no additional approaches will be allowed onto Deerfield Road;
8. That the applicant adhere to the comments submitted by the U.S. Forest Service;
9. 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;
10. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations; and,
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-31, which is available at the Planning Office.

Vote: unanimous 6 to 0.

18. **CONDITIONAL USE PERMIT / CU 18-38:** Daniel Johnson, Highmark Properties, LLC. To allow a multi-family dwelling residence with separate units, to be used as separate Vacation Home Rentals, Unit 1 and Unit 2, in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 18-38 to the December 3, 2018, Planning Commission meeting.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

13. **CONSTRUCTION PERMIT REVIEW / CP 17-13:** Western Construction, Inc. To review a portable asphalt batch plant on the subject property, and to level and grade approximately 26 acres with berms and dust control ponds implemented on site.

S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated Row, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Staff asked that this Item be removed from the Consent Agenda for discussion.

Staff had originally recommended to end Construction Permit / CP 17-13 with the applicant's concurrence; and, are now recommending to continue the review of the Construction Permit after a representative of Western Construction contacted staff and asked that the Item be continued.

Moved by Coleman and seconded by Rivers to continue the review of Construction Permit / CP 17-13 to the November 13, 2018, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 18-39: Michael Buseti; Rob Livingston - Agent To allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 18-39 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 18-39, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;

6. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of two (2) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
9. That the lot address (12284 Gold Mountain Loop) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Mike Busetti, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-39, which is available at the Planning Office; and,
16. 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 Runde to approve of Conditional Use Permit / CU 18-39 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. That each review of Conditional Use Permit / CU 18-39, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;**
- 5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 6. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 7. That a minimum of two (2) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
- 8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;**
- 9. That the lot address (12284 Gold Mountain Loop) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;**

10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Mike Buseti, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-39, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

20. LAYOUT PLAT / PL 18-33: Steven Scheurer. To create Lot 3 Revised of Seven Oaks Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 less Scheurer Dedicated Right-of-Way, Section 10, T2N, R6E, and Lot 3 of Seven Oaks Subdivision, Section 11, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3 Revised of Seven Oaks Subdivision, Sections 10 and 11, T2N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot 3 Revised of Seven Oaks Subdivision.

Staff recommended approval of Layout Plat / PL 18-33 with the following fifteen (15) conditions:

1. That prior to filing the Plat with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;
2. That at the time of new Plat submittal, one of the existing lots be annexed into a different Fire Tax District, so that both lots are within the same Fire Tax District;
3. That at the time of new Plat submittal, the Plat be corrected in accordance with Register of Deeds comments, including: remove landowner names, addresses, phone numbers, and parcel numbers; remove Plat Book and Page references for the existing lots; remove building drawings; and, the solid grey coloring annotating the "Previously Dedicated Public R.O.W." must be changed;
4. That at the time of new Plat submittal, the Surveyor's Note #1 at the bottom of Page 1 be corrected, as it currently states, "A ten foot (8') wide utility and minor drainage easement...";
5. That at the time of new Plat submittal, the Certificate of the Planning Director be removed from the Plat;
6. 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;
7. That prior to filing the Plat with the Register of Deeds, the addresses be changed to reflect access off of Seven Oaks Trail and a street sign be installed;
8. That prior to filing the Plat with the Register of Deeds, the property be in compliance with Ordinance 106, including, but not limited to, removal of any excess debris and junk;
9. 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;
10. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
11. That at the time of new Plat submittal, the plat meets all requirements of § 500.4 of the Pennington County Subdivision Regulations, or an approved Subdivision

Regulations Variance be obtained waiving any of these requirements that are not met;

12. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
13. 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;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-33, which is available at the Planning Office; and,
15. 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 Rivers and seconded by Coleman to approve of Layout Plat / PL 18-33 with the following fifteen (15) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;**
- 2. That at the time of new Plat submittal, one of the existing lots be annexed into a different Fire Tax District, so that both lots are within the same Fire Tax District;**
- 3. That at the time of new Plat submittal, the Plat be corrected in accordance with Register of Deeds comments, including: remove landowner names, addresses, phone numbers, and parcel numbers; remove Plat Book and Page references for the existing lots; remove building drawings; and, the solid grey coloring annotating the “Previously Dedicated Public R.O.W.” must be changed;**
- 4. That at the time of new Plat submittal, the Surveyor’s Note #1 at the bottom of Page 1 be corrected, as it currently states, “A ten foot (8’) wide utility and minor drainage easement...”;**
- 5. That at the time of new Plat submittal, the Certificate of the Planning Director be removed from the Plat;**
- 6. 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;

7. That prior to filing the Plat with the Register of Deeds, the addresses be changed to reflect access off of Seven Oaks Trail and a street sign be installed;
8. That prior to filing the Plat with the Register of Deeds, the property be in compliance with Ordinance 106, including, but not limited to, removal of any excess debris and junk;
9. 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;
10. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
11. That at the time of new Plat submittal, the plat meets all requirements of § 500.4 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
12. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
13. 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;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-33, which is available at the Planning Office; and,
15. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

21. LAYOUT PLAT / PL 18-32: Larry and Lenora Ruland. To create Tract 1 of Ruland Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SW1/4; S1/2NE1/4 SW1/4 and W1/2SE1/4, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of Ruland Ranch Subdivision, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to create Tract 1 of Ruland Ranch Subdivision.

Staff recommended approval of Layout Plat / PL 18-32 with the following nine (9) conditions:

1. That prior to the time of new Plat submittal, the Landowner or Agent hold meetings with and/or have discussion with:
 - a. Joe Doran (Pennington County Equalization) 605-394-2175
 - i. To discuss Tract vs Subdivision and Ag Status
 - b. Matt Schmahl (West River Electric) 605-791-6512
 - i. To discuss easements
 - c. County Planning Staff to discuss the unpermitted structures
2. That at the time of new Plat submittal, a minimum 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. Additional easements may be requested by West River Electric;
3. That at the time of new Plat submittal, the plat continues 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;
4. That the Certifications on the plat be in accordance with § 400.3(1)(n) 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 at the time of new Plat submittal, the plat meets all requirements of § 500.4 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 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 Landowners sign the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-32. The SOY is available at the Planning Office; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Layout Plat / PL 18-32 with the following nine (9) conditions:

- 1. That prior to the time of new Plat submittal, the Landowner or Agent hold meetings with and/or have discussion with:**
 - a. Joe Doran (Pennington County Equalization) 605-394-2175**
 - i. To discuss Tract vs Subdivision and Ag Status**
 - b. Matt Schmahl (West River Electric) 605-791-6512**
 - i. To discuss easements**
 - c. County Planning Staff to discuss the unpermitted structures**
- 2. That at the time of new Plat submittal, a minimum 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. Additional easements may be requested by West River Electric;**
- 3. That at the time of new Plat submittal, the plat continues 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;**
- 4. That the Certifications on the plat be in accordance with § 400.3(1)(n) 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 at the time of new Plat submittal, the plat meets all requirements of § 500.4 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 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 Landowners sign the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-32. The SOY is available at the Planning Office; and,**
9. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 6 to 0.

22. CONDITIONAL USE PERMIT / CU 18-37: 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.

(Continued from the October 8, 2018, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an RV Campground with an Alpaca Guest Ranch, store, and fiber mill on the subject property in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 18-37, for the Alpaca Store, with the following thirteen (13) conditions:

1. That Conditional Use Permit / CU 18-37 is only to allow for an Alpaca Store to be located within the single-family residential structure;
2. That prior to the operation of the Alpaca Store, the Landowner shall bring the subject property into compliance;
3. That additional uses on the subject property, not approved under CU 18-37, shall require amendments to CU 18-37 in accordance with *Pennington County Zoning Ordinance §510(A)*;
4. That the Alpaca Store business be in compliance with all Federal, State, and Local requirements prior to operations;

5. That all materials for the Alpaca Store shall be stored within an enclosed structure when not in use;
6. That the Alpaca Store may be operated daily, but shall only operate between the hours of 8 a.m. to 7 p.m.;
7. That two (2) portable fire extinguishers, each with a minimum 2 A-BC rating, be placed within the structure that houses the Alpaca Store;
8. That parking is provided per Pennington County Zoning Ordinance § 310;
9. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That the property remain free of debris and junk, in accordance with Pennington County Ordinance #106;
11. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That the applicant sign a Statement of Understanding (SOU) within ten (10) business days of approval of Conditional Use Permit / CU 18-37. The SOU will be available at the Planning Office after the mandatory five (5) day appeal period; and
13. 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 Runde and seconded by Rivers to approve of Conditional Use Permit / CU 18-37, for the Alpaca Store, with the following thirteen (13) conditions:

- 1. That Conditional Use Permit / CU 18-37 is only to allow for an Alpaca Store to be located within the single-family residential structure;**
- 2. That prior to the operation of the Alpaca Store, the Landowner shall bring the subject property into compliance;**
- 3. That additional uses on the subject property, not approved under CU 18-37, shall require amendments to CU 18-37 in accordance with *Pennington County Zoning Ordinance §510(A)*;**

4. That the Alpaca Store business be in compliance with all Federal, State, and Local requirements prior to operations;
5. That all materials for the Alpaca Store shall be stored within an enclosed structure when not in use;
6. That the Alpaca Store may be operated daily, but shall only operate between the hours of 8 a.m. to 7 p.m.;
7. That two (2) portable fire extinguishers, each with a minimum 2 A-BC rating, be placed within the structure that houses the Alpaca Store;
8. That parking is provided per Pennington County Zoning Ordinance § 310;
9. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That the property remain free of debris and junk, in accordance with Pennington County Ordinance #106;
11. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That the applicant sign a Statement of Understanding (SOU) within ten (10) business days of approval of Conditional Use Permit / CU 18-37. The SOU will be available at the Planning Office after the mandatory five (5) day appeal period; and
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

23. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 16, 2018, Planning Commission meeting. The Second Reading of Major Planned Unit Development Amendment for Catherine Sopinski (Vacation Home Rental) was approved.

24. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

25. ITEMS FROM THE STAFF

- A. 2018 SD Planner's Conference. Conover provided the Planning Commission with an update on the SD Planner's Conference.
- B. Board of Commissioner's Special Meeting (12-10 and/or 12-11). Conover stated the Board of Commissioners has scheduled a Special Board Meeting on October 10th to hear the Construction and Mining Permits of Croell, Inc. Michaelae Hofmann, Deputy State's Attorney, further clarified and stated that, if necessary, the hearing may be continued for further public comment and decision on December 11th. The December 11th meeting will be held only in the event the Board of Commissioners does not make a decision at the December 10th meeting.
- C. Ex Parte Communication and Conflicts of Interest. Michaelae Hofmann, Deputy State's Attorney, discussed ex parte communication and conflicts of interest.
- D. Planning Department – Job Description. Conover stated the Job Title and Job Description for the Environmental Planner I is being recommended to be changed to Onsite Wastewater Specialist.

26. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

27. ADJOURNMENT

Moved by Coleman and seconded by Runde to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:03 a.m.

Travis Lasseter, Chairperson