

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**February 25, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Rich Marsh, Jim Coleman, and Lloyd LaCroix.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Cody Sack, Jason Theunissen, Michaele Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE FEBRUARY 11, 2019, MINUTES  
**Moved by Marsh and seconded by Johnson to approve the Minutes of the February 11, 2019, 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 February 25, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.**

**Moved by Marsh and seconded by Lloyd to approve the Consent Agenda of the February 25, 2019, Planning Commission meeting, with the removal of Item #14. 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 00-09:** Performance Development Group. To review a 300 foot stealth monopole communications tower and equipment shed in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

BLL located in SW1/4SE1/4, Section 30, T2N, R13E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 00-09 with the following seven (7) conditions:**

1. **That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which include necessary site plans to be reviewed and approved by the Planning Director;**

2. That a security fence continues to be maintained around the tower and accessory structures in accordance with Section 316 of the Zoning Ordinance;
3. That the address is posted in accordance with Ordinance #20;
4. 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;
5. That the setbacks from the property lines and all utilities be maintained for all structures located on the property;
6. That the driving surface for the access road be a minimum of 14 feet wide and maintained in a dust free manner; and,
7. That this Conditional Use Permit be reviewed on a complaint basis only.

**Vote: unanimous 5 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 98-42:** Prairie Acres, LLC. 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 E1/2W1/2SE1/4SW1/4, E1/2SE1/4SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2018, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 98-42 with the following sixteen (16) conditions:**

1. That the mobile home park continue to have a maximum of 118 mobile home spaces;
2. That each mobile home space be allowed one (1) mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes existing at the time of original Conditional Use Permit approval (January 19, 1999) be allowed to remain in their present location and that replacement mobile homes have a minimum 20 foot separation between units and a minimum 25 foot front yard setback from Country Road;
4. That decks and accessory structures be allowed upon the issuance of a Building Permit;

5. That each structure, with the exception of carports, shall have a front yard setback of ten (10) feet from all access roads within the mobile home park;
6. That a carport shall be allowed over each existing parking pad within the mobile home park, with the issuance of a Building Permit. Each carport shall not exceed the existing parking pad size and shall not be enclosed on more than two (2) sides. Carports must maintain a minimum 25 foot setback from Country Road or obtain an approved Setback Variance;
7. That the mobile home park have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet;
8. 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;
9. That the lot numbers continue to be posted at each entrance road with four (4) inch reflective letters;
10. That a Floodplain Development Permit be obtained prior to the construction or development, including the replacement of existing mobile homes and revisions and/or expansions on the wastewater system, within the area on the property located in a federally designated floodplain;
11. That prior to the start of construction on the revisions and/or expansion of the wastewater system, a Construction Permit be obtained;
12. That any expansion of the lagoon area or future development adjacent to the existing lagoon area, require that the existing four (4) foot high chain link fence be extended to continue as a buffer between the lagoon area and the mobile home park and/or future development on adjacent properties;
13. That prior to the placement of mobile homes, a Building Permit, which will include necessary site plans, shall be submitted for approval by the Planning Director;
14. That the addition of accessory structures (i.e., decks, sheds) shall be allowed through the issuance of full fee Building Permits, which include necessary site plans to be reviewed and approved by the Planning Director;
15. That the mobile home park continue to be provided with a Management Office; and,
16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis only, 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 16-20:** Perry and Vicky Van Newkirk. To review a pole barn constructed prior to a residential structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the December 17, 2018, Planning Commission meeting.)

**To end Conditional Use Permit / CU 16-20, as it is no longer needed.**

**Vote: unanimous 5 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-25:** Alvin and Sharon Gullickson. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 4, Annie Lode MS 1721, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-25 with the following fifteen (15) conditions:**

1. **That the maximum overnight occupancy, based on SD DENR approval, continue to 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 or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
3. **That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
4. **That the applicants 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;**

5. That the applicants 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;
6. That a minimum of three (3) off-street parking spaces continue to 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;
7. That an interior informational sign or signs continue to 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. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
8. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, 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;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the applicants continually adhere to requirements and restrictions set forth by the U.S. Forest Service; and,
15. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-31:** Black Hills Raptor Center. To review a bird education and health facility on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

S800 feet of E350 feet of NE1/4SE1/4 less Right-of-Way, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 16-31 with the following thirteen (13) conditions:**

1. **That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;**
2. **That prior to the approval of any Building Permit(s), the applicant obtain written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;**
3. **The prior to the approval of a Building Permit, the applicant meet with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for CU 16-31;**
4. **That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed a total of 3,000 square feet); Semi-heated mews (not to exceed a total of 1,120 square feet); Unheated mews (not to exceed a total of 1,120 square feet); Storage and hallway to exterior of mews (not to exceed a total of 840 square feet); Cold storage (not to exceed a total of 1,000 square feet); Heated Storage / workshop (not to exceed a total of 500 square feet); Three (3) Rehab pods (not to exceed a total of 1,600 square feet total); Pole Barn used for flights (not to exceed a total of 6,000 square feet); Residence (not to exceed 1300 square feet); Garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;**
5. **That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction Storm Water Quality Best Management Practices (Section 203);**

6. That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;
7. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources, prior to the issuance of a Building Permit for the Onsite Wastewater Treatment system;
8. That the applicant adheres to all necessary local, state, and federal regulations and maintains the necessary permits to conduct the organization's activities;
9. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;
10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance;
11. That a minimum of twenty-eight (28) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;
12. 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; and,
13. That Conditional Use Permit / CU 16-31 be reviewed in two (2) years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-38:** Tom and Terri Haggerty. To review a townhome on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot E3-E6; Lot F1-F6; Lot G1 Except That Portion of Said Lot Lying East of Co Rd; Lot G2-G5; Lot H5, Warren Lamb Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 16-38, with the applicant's concurrence, as the use for which the Conditional Use Permit was granted has not been established in accordance with § 510(E)(1)(b) of the Pennington County Zoning Ordinance.**

**Vote: unanimous 5 to 0.**

9. **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 December 17, 2018, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 17-22 to the March 25, 2019, Planning Commission meeting.**

**Vote: unanimous 5 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-40:** Richard Burton. To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NE1/4; S1/2SW1/4SW1/4NE1/4; SE1/4SW1/4NE1/4; N1/2N1/2NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-40 with the following six (6) conditions:**

1. **That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;**
2. **That an approved Building Permit be obtained for the caretaker's residence and 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;**
3. **That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or a setback Variance be obtained;**
4. **That the subject property remains free of debris and junk vehicles;**
5. **That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,**
6. **That this Conditional Use Permit be reviewed on October 28, 2019, 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.**

- 11. CONDITIONAL USE PERMIT REVIEW / CU 17-48:** Alvin and Sharon Gullickson. To review a Vacation Home Rental on the subject property in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 17-48 with the following fourteen (14) conditions:**

- 1. That the maximum overnight occupancy continue to be, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per PCZO §319(F)(13);**
- 2. That if the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. That the applicants 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;**
- 5. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 6. That a minimum of three (3) off-street parking spaces continue to 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;**
- 7. That an interior informational sign or signs continue to 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;**
- 8. 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;**

9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging 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;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
14. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

12. **CONDITIONAL USE PERMIT REVIEW / CU 17-50**: Benjamin Shilling. To review a gunsmithing business on the subject property in a Limited Agriculture District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Hidden Springs Ranchettes #2, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

(Continued from the January 28, 2019, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 17-50 with the following twelve (12) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the gunsmithing and service business shall be operated completely within the existing detached shop;
3. That no business sign be posted on the property;

4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, continue to be conducted entirely indoors;
6. That the applicant continually comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That the address continue to be properly posted on both the residence and at the approach so it is visible in both directions from 229th Street in accordance with Pennington County's Ordinance #20;
8. That the applicant continually maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
9. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
10. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
11. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
12. That this Conditional Use Permit be reviewed in three (3) years, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous 5 to 0.**

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

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

**To approve of the extension of Conditional Use Permit / CU 18-26 with the following fourteen (14) conditions:**

1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;

2. That an approved On-Site Wastewater Treatment System be installed and have a final inspection by June 3, 2019;
3. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the applicant continue to work with South Dakota Wildland Fire to develop a Fire Mitigation Plan and a copy of the plan be provided to the Planning Department;
5. That a Building Permit application for the proposed single-family residence be approved prior to September 2021, or CU 18-26 shall automatically end;
6. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
7. That the RV be used as living quarters for no more than 180 days in a calendar year;
8. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
9. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
10. 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;
11. That upon expiration of a of a Building Permit for the proposed single-family residence, the RV will be disconnected from all utilities and no longer be utilized as living quarters on the subject property;
12. That the applicant notify the Planning Department if the new residence is habitable prior to the expiration of the Building Permit, so that this Conditional Use Permit may be end;
13. That more than one continuation caused by the applicant's failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington County Zoning Ordinance; and,
14. That this Conditional Use Permit be reviewed at the June 10, 2019, Planning Commission meeting, on a complaint basis, or as deemed necessary by the

Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

15. **CONSTRUCTION PERMIT / CP 19-02**: Site Work Specialists, Inc. To construct a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts.

NE1/4NE1/4, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 19-02 with the following fourteen (14) conditions:**

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure 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;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the

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

10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
11. That the applicant or landowner pay a penalty fee in accordance with § 511(W)(2) of the PCZO prior to the Stop Work Order being lifted;
12. That any more than one continuation caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the PCZO;
13. That the applicant and the landowner sign a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 19-02, which is available at the Planning Office; and,
14. That this Construction Permit be reviewed at the April 8, 2019, Planning Commission meeting, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

#### **END OF CONSENT AGENDA**

14. CONDITIONAL USE PERMIT / CU 19-01: NMMC, Inc; Terry Sayler. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda to discussion amending language in Staff's recommendation.

Staff recommended to continue Conditional Use Permit / CU 19-01 to the July 22, 2019, Planning Commission meeting to allow the applicant time to address outstanding issues, with one (1) condition.

Conover stated that, in the Staff Report, the condition is noted as number two and it needs to be changed to a number one to reflect condition number one.

**Moved by Johnson and seconded by Marsh to continue Conditional Use Permit / CU 19-01 to the July 22, 2019, Planning Commission meeting to allow the applicant time to address outstanding issues, with the following one (1) condition:**

- 1. That if additional continuations are required beyond July 22, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).**

**All voting aye, the Motion carried 5 to 0.**

16. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-04: Kelly Development / Ryan Kelly. To review the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 3-6, Block, 4, Sheridan Lake Highlands, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the January 14, 2019, Planning Commission meeting.)

Conover stated this Item was continued from the January 14<sup>th</sup> Planning Commission meeting to address the Planning Commissioner's concerns of the applicant's Planned Unit Development.

Staff recommended approval of the extension of Major Planned Unit Development Amendment / PU 17-04 with twenty (20) conditions.

Discussion followed.

**Moved by Johnson and seconded by Marsh to approve of the extension of Major Planned Unit Development Amendment / PU 17-04 with the following twenty (20) conditions:**

- 1. That the Planned Unit Development consists of no more than four (4) residential lots;**
- 2. That the minimum size of the residential lots be two (2) acres;**
- 3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;**
- 4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 5. That no off-premise signs be allowed within the Planned Unit Development;**

6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
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 no lot is permitted to take access off of Sheridan Lake Road;
9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
11. That subject lots within this PU 17-04 remain part of the Sheridan Lake Highlands Road District and that proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, remain part of the Homeowners Association created for Sheridan Lake Highlands;
12. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
13. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
14. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision, if required by the Pennington County Natural Resources Director;
15. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
16. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County



**Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;**

- 17. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on Lot 4 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would constitute a public nuisance, and that all future structures meet current Pennington County Zoning Ordinance Standards;**
- 18. That no private wells will be drilled on any individual lots;**
- 19. That the applicant signs the Statement of Understanding (SOU) for this Major Planned Unit Development Amendment, within ten (10) days of its approval. The SOU is available at the Pennington County Planning Department; and,**
- 20. That this Planned Unit Development be reviewed in two (2) years or upon a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 5 to 0.**

17. CONSTRUCTION PERMIT / CP 18-10: Cross Country Real Estate. To grade in order to flatten the area to receive 4" gravel for a new parking lot.

Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E of HWY ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the January 28, 2019, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied for a Construction Permit to grade in order to flatten the area to receive 4" gravel for a new parking lot.

Staff recommended denial of Construction Permit / CP 18-10.

Conover further stated the agent is requesting a continuance to no later than the June 24, 2019, Planning Commission meeting.

Discussion followed.

**Moved by Marsh and seconded by Coleman to continue Construction Permit / CP 18-10 to no later than the June 24, 2019, Planning Commission meeting.**

**All voting aye, the Motion carried 5 to 0.**

18. SUBDIVISION REGULATIONS VARIANCE / SV 18-15: Schriner Investments / Shane Schriner. To waive platting requirements to create Lots 1-8 of Keystone Wye Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the January 14, 2019, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating the applicant has applied for a Subdivision Regulations Variance to waive platting requirements to create Lots 1-8 of Keystone Wye Subdivision.

Staff recommended approval of the portion of Subdivision Regulations Variance / SV 18-15 to waive the following five (5) platting requirements:

1. To allow the use of a 40-foot-wide easement in lieu of a 66-foot-wide Right-of-Way;
2. To allow the maximum grade of a road to be 15% for approximately 900 feet;
3. To allow the angle between road intersections to be less than 75 degrees and allow a tangent between intersections to be less than 100 feet;
4. To allow vertical curves to be less than 100 feet; and,
5. To not perform percolation tests and provide soil profile hole information before platting.

Staff recommended denial of the portion of Subdivision Regulations Variance / SV 18-15 to waive the following one (1) platting requirement:

1. To allow an exception to not install guardrail on slopes with a slope greater than 4:1.

Discussion followed.

**Moved by Marsh and seconded by Coleman to continue Subdivision Regulations Variance / SV 18-15 the March 11, 2019, Planning Commission meeting.**

**All voting, the Motion carried 4 to 1. Commissioner Johnson voted no.**

19. REZONE / RZ 18-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-10: Schriener Investments / Shane Schriener. To rezone 29.02 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the January 14, 2019, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 29.02 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

Staff is seeking guidance from the Planning Commission on how to proceed with Rezone / RZ 18-11, as the applicant's request is in harmony with the lot sizes proposed through the platting process; however, it is not in harmony with the current surrounding zoning in the area.

Staff recommended denial of Comprehensive Plan Amendment / CA 18-10.

Discussion followed.

Moved by Johnson and seconded by LaCroix to deny Rezone / RZ 18-11 and Comprehensive Plan Amendment / CA 18-10.

Motion to deny Rezone / RZ 18-11 withdrawn by Johnson and LaCroix.

**Moved by Marsh and seconded by LaCroix to approve Rezone / RZ 18-11. Roll call vote: Marsh-yes; Coleman-no; Lasseter-yes; Johnson-no; and LaCroix-yes. Motion to approve failed 3 to 2.**

Moved by Marsh and seconded by Coleman to deny Comprehensive Plan Amendment / CA 18-10.

Motion to deny Comprehensive Plan Amendment / CA 18-10 withdrawn by Marsh and Coleman.

**Moved by Marsh and seconded by Johnson to approve of Comprehensive Plan Amendment / CA 18-10.**

**All voting, the Motion to approve failed 5 to 0.**

**Moved by Marsh and seconded by Lasseter to recess for five minutes. All voting aye, the Motion carried 5 to 0.**

**Moved by Marsh and seconded by Johnson to reconvene. All voting aye, the Motion carried 5 to 0.**

20. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.

(Continued from the January 28, 2019, Planning Commission meeting.)

Conover reviewed that this is an Ordinance Amendment to amend/adopt the Pennington County Comprehensive Plan.

Discussion followed to review each Section / Chapter and make recommended changes.

**Moved by LaCroix and seconded by Johnson to approve Section 1-1. All voting aye, the Motion carried 5 to 0.**

**Moved by Marsh and seconded by Johnson to approve Section 1-2. All voting aye, the Motion carried 5 to 0.**

**Moved by Marsh and seconded by Johnson to approve Section 1-3 through Section 1.6. All voting aye, the Motion carried 5 to 0.**

Moved by Johnson and seconded by Marsh to approve Section 2 with recommended changes.

**Substitute Motion: Moved by Johnson and seconded by Marsh to approve and include the recommended changes / comments that apply to Section 2, from the Comment List 8 through 12. All voting aye, the Motion carried 5 to 0.**

**Moved by Marsh and seconded by Coleman to approve recommended changes to Section 3. All voting aye, the Motion carried 5 to 0.**

**Moved by Marsh and seconded by Coleman to continue Ordinance Amendment / OA 19-01 to the March 11, 2019, meeting to consider the amendment / adoption of the Comprehensive Plan.**

**All voting aye, the Motion carried 5 to 0.**

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 11, 2019, meeting. The Second Reading of Rezone 18-12 and Comprehensive Plan Amendment 18-11 (Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent) was continued to the March 5<sup>th</sup> Board of Commissioner's meeting.

22. ITEMS FROM THE PUBLIC

There were no motions or actions taken.

23. ITEMS FROM THE STAFF

- A. SDACC Workshop. Conover informed the Planning Commission that the SDPA and SDCCA will be providing a training opportunity in Pierre on Wednesday, March 13, 2019, at 2 p.m. The training will cover topics to include: Validity of County Zoning Regulations, How to Run an effective Board of Adjustment Meeting, Conflicts of Interest and Ex-Parte Contacts and a Planners Roundtable to discuss CAFOs, Wind Towers, etc.
- B. New Planning Department Employee. Conover introduced Jason Theunissen as the new Planner II.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh stated that he may be gone for the March 11<sup>th</sup> meeting. Commissioners Johnson and Coleman will not be at the March 11<sup>th</sup> meeting.

25. ADJOURNMENT

**Moved by Marsh and seconded by Johnson to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 12:09 p.m.**

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Travis Lasseter, Chairperson