

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 22, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Jim Coleman, Kathy Johnson, Sandra Runde, Sonny Rivers, and Lloyd LaCroix.

STAFF PRESENT: PJ Conover, Brittney Molitor, Kristina Proietti, Cody Sack, Jason Theunissen, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 8, 2019, MINUTES
Moved by Johnson and seconded by Rivers to approve the Minutes of the July 8, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Rivers and seconded by Runde to approve the Agenda of the July 22, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Runde and seconded by Coleman to approve the Consent Agenda of the July 22, 2019, Planning Commission meeting, with the removal of Item #9. 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 11-22:** Jeff Sadergaski. To review a home occupation (detailing and refurbishing small engine equipment and motorcycles) in a detached garage in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot D of NE1/4NW1/4 less Lot H1, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 11-22 to no later than the September 9, 2019, Planning Commission meeting in order for staff to contact the new landowner.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 07-11:** Bernard Ness; Ronnie Ness – Agent. To review an auto repair business in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Section less Right-of-Way, Section 1, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the April 22, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 07-11 per the applicant’s request.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 11-02:** Jeff DeVeney. To review an internally illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the June 24, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 11-02 with the following nine (9) conditions:

1. **That this Conditional Use Permit only allows for one internally, illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;**
2. **That access to the site continue to be taken from Highway 385 and not from Penalua Gulch Road;**
3. **That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver’s operation of a motor vehicle;**
4. **That the sign continues to maintain a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a Right-of-Way;**
5. **That a Sign Permit be obtained for any on-premise signs, which requires a site plan to be reviewed and approved by the Planning Director;**

6. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
7. That the sign continues to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
8. That only on-premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved Zoning Variance is obtained from the Pennington County Board of Commissioners waiving the distance to the nearest dwelling unit requirement and this CUP is amended to allow for an off-premise sign; and,
9. 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 or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-25:** Donald Wojciechowski; Lisa Loerzel – Agent. To review one (1) pole barn and three (3) greenhouse structures in a Suburban Residential District located on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to review one (1) pole barn structure in a Suburban Residential District located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

NW1/4NE1/4SW1/4, and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-25 with the following eight (8) conditions:

1. That the address for E1/2 GL3 (8374 Miracle Drive) continue to be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
2. That the address for NW1/4NE1/4SW1/4 (8368 Miracle Drive) continue to be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a Suburban Residential District

be continually maintained on the properties, or the appropriate Variance(s) be obtained;

- 5. That the subject properties remain free of debris and junk vehicles;**
- 6. That the accessory structures be used for personal use only and no commercial-type uses and not for living space;**
- 7. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed; and,**
- 8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

- 7. CONDITIONAL USE PERMIT REVIEW / CU 18-19: Greg Bolt. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.**

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the June 24, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 18-19 with the following nine (9) conditions:

- 1. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;**
- 2. That the Guest House shall not be used for more than 180 days per calendar year;**
- 3. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);**
- 4. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;**
- 5. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;**

6. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Silver Mountain Road, in accordance with Pennington County Ordinance #20 within 30 days of approval of this review;
7. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;
8. 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,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-22:** Hay Yard Hills, LLC; Rodney Sather. To review an existing single-family residence to be used as a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

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

To approve of the extension of Conditional Use Permit / CU 18-22 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12);
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 18-22, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain a current lodging license with the South Dakota Department of Health (SD DH) and the Department of

Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;

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 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;
8. That an interior informational sign(s) 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;
9. That the lot address (13621 Battle View Road) continue to be posted on the residence at all times and so it is clearly visible from Battle View Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is 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 Sheralin Groves, the interior informational sign be updated and the applicant re-notify the Planning Director and PCZO § 319(C)(5)(c) be enforced;
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) per PCZO § 312;
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; and,
15. 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 Board of Commissioners to verify that all Conditions of Approval are being met.

Note: unanimous 6 to 0.

10. **CONDITIONAL USE PERMIT / CU 19-01:** NMMC, Inc; Terry Saylor. 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.

(Continued from the February 25, 2019, Planning Commission meeting.)

To continue Conditional Use Permit / CU 19-01 to the September 23, 2019, Planning Commission meeting with the following two (2) conditions:

1. **That the applicant pay the \$100 continuation fee in accordance with § 511(X) prior to the September 23, 2019, Planning Commission meeting; and,**
2. **That if additional continuations are required beyond September 23, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).**

Vote: unanimous 6 to 0.

11. **LAYOUT PLAT / LPL 19-15:** Terry and Marcia Graber. To create three new parcels in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4NE1/4NW1/4 SE1/4 NE1/4; S1/2SW1/4 NW1/4SE1/4NE1/4; SE1/4 NW1/4SE1/4NE1/4; NE1/4SE1/4NE1/4; S1/2S E1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: NW1/4SE1/4NW1/4 SE1/4NE1/4; NE1/4NE1/4 SE1/4NE1/4; NE1/4 NW1/4NE1/4SE1/4NE1/4; and SE1/4NE1/4 SE1/4NE1/4; S1/2SW1/4 NW1/4SE1/4NE1/4; N1/2 NW1/4SE1/4SE1/4NE1/4; N1/2NE1/4SE1/4 SE1/4 NE1/4; NE1/4NE1/4SW1/4SE1/4NE1/4; SE1/4 SE1/4NW1/4SE1/4NE1/4, Sec 32, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the June 24, 2019, Planning Commission meeting.)

To recommend to end Layout Plat / LPL 19-15, per the applicant's request.

Vote: unanimous 6 to 0.

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

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

To end Construction Permit / CP 16-08.

Vote: unanimous 6 to 0.

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

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

To approve of the extension of Construction Permit / CP 16-09 with the following nine (9) conditions:

- 1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;**
- 2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;**
- 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 4. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;**
- 5. That any natural drainage ways and paths be continually maintained;**
- 6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;**
- 7. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;**
- 8. That approval of this permit is only for reclamation of disturbed areas and stockpiling of material; and,**
- 9. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.**

Vote: unanimous 6 to 0.

14. **CONSTRUCTION PERMIT REVIEW / CP 17-10:** Site Work Specialist, Inc. To review excavating and stockpiling of material for off-site use for South Valley Drive property.

Lot 3 of Lot B, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Construction Permit / CP 17-10 to the September 9, 2019, Planning Commission meeting.

Vote: unanimous 6 to 0.

15. **CONSTRUCTION PERMIT REVIEW / CP 18-08:** Heavy Constructors. To review the excavation and grading of land to install 8 inch and 12 inch water main and water service installation.

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

To end Construction Permit / CP 18-08.

Vote: unanimous 6 to 0.

16. **CONSTRUCTION PERMIT REVIEW / CP 18-13:** James and Amanda Taylor. To review the construction of a road to access a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Lot 3, Dark Canyon Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 18-13.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

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

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

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

Staff recommended approval of the extension of Conditional Use Permit / CU 18-24 with twenty-one (21) conditions.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of the extension of Conditional Use Permit / CU 18-24 with the following twenty-one (21) conditions:

- 1. That the uses of the Conditional Use Permit continue to be limited to a maximum of 112 mobile homes spaces with one (1) of the lots acting as the manager's residence;**
- 2. That no mobile homes are allowed to be located on the southernmost seven (7) spaces on the subject property, where no utility hook-ups exist;**
- 3. That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;**
- 4. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Floodplain Development Permit and Building Permit;**
- 5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;**
- 6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;**
- 7. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the mobile home park;**
- 8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New or replacement mobile homes must meet the minimum setback and separation requirements;**
- 9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
- 10. That an approved Floodplain Development Permit be obtained *prior* to any work being done within the Special Flood Hazard Area on the subject property (including dirtwork and any structures or additions to existing structures);**

11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;
12. That an approved Building Permit be obtained for each new residence prior to construction and 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;
13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;
14. That mobile homes not be allowed to be stored unoccupied on the subject property;
15. That all lot numbers must be posted in accordance with Pennington County's Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4" high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;
16. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
17. That the interior roads be continually surfaced and maintained with gravel, concrete or asphalt and maintained in a dust free manner;
18. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);
19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;
20. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures; and,
21. 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.

17. CONDITIONAL USE PERMIT / CU 19-17: Manya Larson / Mike Harmon. To allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2 Revised, Greens Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 19-17 with fifteen (15) conditions.

Discussion followed.

Moved by Coleman and seconded by Runde to approve of Conditional Use Permit / CU 19-17 with the following fifteen (15) 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 the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 4. That each review of Conditional Use Permit / CU 19-17, be subject to PCZO §511(F)(4), which includes a \$100 fee per review;**
- 5. That the applicant continually maintains 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 maintains 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;**

7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
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 (22569 Smokey Ridge Road) continue be posted on the residence at all times and so it is clearly visible from Smokey Ridge Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensures 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 Manya Larson, 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; and,
15. 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.

18. CONDITIONAL USE PERMIT / CU 19-16: Terry and Marcia Graber. To utilize an existing second residence on the subject property as a Bed and Breakfast/ Recreational Area in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4 less PT Welcome Lode, Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to utilize an existing second residence on the subject property as a Bed and Breakfast/Recreational Area.

Staff recommended approval of Conditional Use Permit / CU 19-16 with eighteen (18) conditions.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Conditional Use Permit / CU 19-16 with the following nineteen (19) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. 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;**
- 3. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the northern border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 4. That the addresses for each residence (24060 and 24064 Cosmos Road) be posted on the primary residence and the Bed and Breakfast Resort at all times and so it is clearly visible from Cosmos Road, in accordance with Pennington County's Ordinance #20;**
- 5. That the applicant work with Planning and Zoning staff to bring the failed septic system into compliance prior to operation of the Bed and Breakfast Resort;**
- 6. That an On-Site Wastewater Construction Permit be obtained prior to any additional on-site wastewater treatment systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;**
- 7. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for the Bed and Breakfast Resort;**

8. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
9. That prior to renting any portion of the existing structure for the Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
10. That the applicant maintains 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;
11. That the property remains free of debris and junk vehicles and all structures be well-maintained;
12. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
14. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
15. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
16. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;
17. That the applicant is aware of and adheres to all Forest Service requirements;
18. That the applicant comply with SDCL 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,
19. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

19. SUBDIVISION REGULATIONS VARIANCE / SV 19-06: Debra Legge. To waive platting requirements in order to create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied to waive platting requirements in order to create Lots 1 and 2 of Greyhound Gulch Subdivision.

Staff recommended approval of Subdivision Regulations Variance / SV 19-06 to waive the following two (2) platting requirements: (1.) Any additional road construction plans and road improvements; and, (2.) The submittal of percolation tests and soil profile hole information.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Subdivision Regulations Variance / SV 19-06 to waive the following platting requirements: (1.) Any additional road construction plans and road improvements; and, (2.) The submittal of percolation tests and soil profile hole information.

All voting aye, the Motion carried 6 to 0.

20. REZONE / RZ 19-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-09: Debra Legge. To rezone 3.18 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1 of Tract B (less Lot A of Lot 1) of HES 281 in the N1/2 of Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 3.18 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09.

All voting aye, the Motion carried 6 to 0.

21. LAYOUT PLAT / LPL 19-21: Jeff Scherr. To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 1442; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 and Lot D2 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244.

Staff recommended approval of Layout Plat / LPL 19-21 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, the “formally” portion of the proposed Plat be corrected per Register of Deeds and Department of Equalization comments to state, “Formerly Lot D of Lot 17 in Fort Meade Placer No. 244 and Lot B of Lot 8 of Lot E and Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer M.S. No. 1442, Section 8, T1S, R6E, B.H.M., Pennington County, South Dakota;”
2. That at the time of Minor Plat submittal, 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;
3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 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 at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots D1 and D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

5. That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,
8. 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 Runde to approve of Layout Plat / LPL 19-21 with the following eight (8) conditions:

1. **That at the time of Minor Plat submittal, the “formally” portion of the proposed Plat be corrected per Register of Deeds and Department of Equalization comments to state, “Formerly Lot D of Lot 17 in Fort Meade Placer No. 244 and Lot B of Lot 8 of Lot E and Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer M.S. No. 1442, Section 8, T1S, R6E, B.H.M., Pennington County, South Dakota;”**
2. **That at the time of Minor Plat submittal, 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;**
3. **That at the time of Minor Plat submittal, the plat meets all the requirements of Section 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 at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots D1 and D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
5. **That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;**
6. **That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**

7. **That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,**
8. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting, the Motion carried 5 to 1. Commissioner Coleman voted no.

22. REZONE / RZ 19-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-10:
Duane Scott; D.C. Scott – Agent. To rezone 32.58 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

W1075 feet of SW1/4SW1/4 Less N850 feet; N425 feet of W1075 feet of SW1/4SW1/4; S425 feet of N850 feet of W1075 feet of SW1/4SW1/4, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 32.58 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District.

Staff recommended approval of Rezone / RZ 19-10 and Comprehensive Plan Amendment / CA 19-10.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Rezone / RZ 19-10 and Comprehensive Plan Amendment / CA 19-10.

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 July 8, 2019, Planning Commission meeting.

24. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

25. ITEMS FROM THE STAFF

- A. By-Law Committee - Update. Conover spoke of the By-Law Committee and Planning Commission members meeting for discussion and/or recommended changes.

- B. Draft Comprehensive Plan - Update. Conover spoke of the draft Comprehensive Plan and the Ordinance Amendment to be heard by the Board of Commissioners at a possible October meeting date.

26. ITEMS FROM THE MEMBERSHIP

Chairman Marsh spoke of the Speaker Request Forms.

27. ADJOURNMENT

Moved by LaCroix and seconded by Rivers to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:50 a.m.

Rich Marsh, Chairperson