

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**January 11, 2010 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Charlie Johnson, Jeff Hoffmann, Warren Fisk, Kevin Kuehn, Fred Weishaupl, and Ethan Schmidt.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE DECEMBER 7, 2009, MINUTES  
**Moved by Weishaupl and seconded by Fisk to approve the minutes of the December 7, 2009, Planning Commission meeting. Vote: unanimous (6 to 0).**
  
2. APPROVAL OF THE AGENDA  
**Moved by Hoffmann and seconded by Fisk to approve the December 7, 2009, Planning Commission meeting, including the Consent Calendar, with the removal of Items #6, #7, and #13. Vote: unanimous (6 to 0).**

**CONSENT CALENDAR**

The following items have been placed on the Consent Calendar 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 Calendar 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 06-02:** Charles and Ursula Brackett.  
To review a lighted, on-premise sign within the minimum 500 foot setback from a residential zoning district or dwelling unit in accordance with Sections 312 and 510 of the Pennington County Zoning Ordinance.

North 175 feet and West 250 feet of Lot D, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

**To recommend approval of the review of Conditional Use Permit / CU 06-02 with the following six (6) conditions:**

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**

2. That the applicant obtains a Sign Permit to be reviewed and approved by the Planning Director for any change to the sign's structure or increase in the advertising face;
3. That the advertisement on the face of the sign can be changed without the applicant obtaining a Sign Permit;
4. That illumination of any kind will be maintained so that all lighting will not create a nuisance, reflect or shine onto adjacent residential properties or cause problems with oncoming traffic;
5. That the sign structure shall be maintained in muted colors as to blend into the natural surroundings and at no time shall bright or neon colors be used; and,
6. That this Conditional Use Permit be reviewed on a complaint basis only.

**Vote: unanimous (6 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 07-43:** Carson Aasen; Kirsten Lockhart - Owner. To review a 150 foot radio antenna and transmission building in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4 of the NE1/4 of Section 2, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend to continue the review of Conditional Use Permit / CU 07-43 to the July 12, 2010, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 07-44:** Carson Aasen; Kirsten Lockhart - Owner. To review a 190 foot radio antenna in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4 of the NE1/4 of Section 2, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend to continue the review of Conditional Use Permit / CU 07-44 to the July 12, 2010, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

8. **MINOR PLAT / PL 10-01 AND SUBDIVISION REGULATIONS VARIANCE / SV 10-01:** Steven Scheurer/Stan Scheurer. To create Lot 3R and Lot 1R of Seven Oaks Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 less Scheurer Dedicated RTY and Lot 3 of Sevens Oaks Subdivision, Sections 10 and 11, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3R and Lot 1R, Seven Oaks Subdivision, Sections 10 and 11, T2N, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Subdivision Regulations Variance / SV 10-01 to waive road improvements to Seven Oaks Road, engineered road construction plans, improvements to the Section Line between Sections 11 and 14 and Sections 10 and 11 and denial to waive the 40-foot-wide access easement across Lot 3R and approval of Minor Plat / PL 10-01 with the following three (3) conditions:**

1. **That prior to approval of the Minor Plat, the portion of proposed lots located in Pennington County either be rezoned to Low Density Residential District or else the applicants obtains Lot Size Variances to reduce the minimum lot size requirement in a General Agriculture District;**
2. **That the applicants also work with Meade County to plat the proposed lots and the final plat document be recorded at the Meade County Register of Deeds, in which proof that the proposed lot has been reviewed and approved by Meade County and is ready to be recorded at their Register of Deeds will be required prior to recording the plat at the Pennington County Register of Deeds; and,**
3. **That at the time of Minor Plat submittal, the plat heading be revised in accordance with the comments received from the Register of Deeds.**

**Vote: unanimous (6 to 0).**

9. **MINOR PLAT / PL 10-02:** Todd and Lori Hanson. To reconfigure the shared lot line to create Lot 58R and 59R of Block 1 of Canyon Springs Preserve in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 58 and 59, Block 1, Canyon Springs Preserve, Section 22, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 58R and 59R, Block 1, Canyon Springs Preserve, Section 22, T2N, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / PL 10-02 with the following three (3) conditions:**

1. That the applicant addresses the comments received from the Register of Deeds prior to the mylar being submitted;
2. That an approved On-site Wastewater Construction Permit be obtained from the Pennington County Planning Department prior to the replacement or alteration of the on-site wastewater system for either of the lots; and,
3. That the existing septic system on Tract 58R meets the required setbacks from the lot line reconfiguration.

**Vote: unanimous (6 to 0).**

10. **CONDITIONAL USE PERMIT REVIEW / CU 06-31:** Verizon Wireless/Lloyd Byram. To review a 120 foot communication tower in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Government Lot 4 less E.410 feet; NE1/4SW1/4, Section 4, T1S, R8E, BHM, Pennington County, South Dakota.

(Continued from the September 28, 2009, Planning Commission meeting.)

**To recommend to continue the review of Conditional Use Permit / CU 06-31 to the March 8, 2010, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

11. **CONDITIONAL USE PERMIT / CU 09-37:** Kim Smith/I-90 Cold Storage. To allow for a 122 foot tall wind generator (total height) in a Heavy Industrial District in accordance with Sections 212-C and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract B in N1/2SE1/4 and the west 606.12 feet of Lot H-2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the December 7, 2009, Planning Commission meeting.)

**To recommend to continue Conditional Use Permit / CU 09-37 to the February 22, 2010, Planning Commission meeting.**

**Vote: unanimous (6 to 0).**

12. **MINOR PLAT / PL 10-03:** Virginia Franz. To reconfigure lot lines to create Lots 6R and 7R, Block 7 of Hart Ranch West #1 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 6 and 7, Block 7, Hart Ranch West #1, Section 33, T1S, R7E, BHM, Pennington County.

PROPOSED LEGAL: Lots 6R and 7R, Block 7, Hart Ranch West #1, Section 33, T1S, R7E, BHM, Pennington County.

**To recommend approval of Minor Plat / PL 10-03 with one (1) condition:**

1. **That at the time of filing the plat with Register of Deeds, the flood statement be placed on the plat in accordance with Section 400.3-1-n-8 of the Pennington County Subdivision Regulations.**

**Vote: unanimous (6 to 0).**

14. **CONDITIONAL USE PERMIT REVIEW / CU 06-01:** William Reishus. To review a single-wide manufactured home as a single-family residence in a General Agriculture District in accordance with Sections 205-C-22 and 510 of the Pennington County Zoning Ordinance.

Tract 1, Beacon Hill Subdivision, Section 10, T1S, R9E, BHM, Pennington County, South Dakota.

**To recommend approval of the review of Conditional Use Permit / CU 06-01 with the following three (3) conditions:**

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That the existing approach be used for the primary access to the residence; and,**
3. **That this Conditional Use Permit be reviewed on March 8, 2010, to verify that the Nuisance Violations have been cleared from the property.**

**Vote: unanimous (6 to 0).**

**END OF CONSENT CALENDAR**

6. CONDITIONAL USE PERMIT / CU 10-02: Archie Corbin/Mary Wilson. To allow a single-wide mobile home to be placed on the subject property, attached to the garage and converted into a metal frame shop building in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Morning View Subdivision, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

Commissioner Weishaupl asked to have this item removed from the Consent Calendar to discuss the setbacks on the subject property, and he also wanted to know the boundaries of Rapid City's and Box Elder's city limits.

Zeller explained that the property is a corner lot and the lot actually has two fronts with 25 foot setbacks and two side yards with a setback of 8 feet. She further explained that the subject property is surrounded entirely by Box Elder city limits.

Moved by Weishaupl and seconded by Fisk to approve of Conditional Use Permit 10-02.

Commissioner Schmidt discussed the comments from the City of Box Elder and asked staff if they have been contacted to clarify the applicants' intent.

Zeller stated there seemed to be some confusion about the proposed use, but staff will contact the City of Box Elder to address the use on the property.

**Moved by Weishaupl and seconded by Fisk to approve of Conditional Use Permit 10-02 with the following eight (8) conditions:**

- 1. That an approved Building Permit be obtained by the applicant for the proposed garage addition and a site plan be submitted showing the required information, including the location of existing and proposed structures, the location of the on-site wastewater system and setbacks;**
- 2. That proper setbacks to the on-site wastewater system be maintained at all times;**
- 3. That the garage addition be used for personal use only and not for any sort of commercial purposes;**
- 4. That upon completion of the garage addition and prior to revocation of this Conditional Use Permit, the attached single-wide mobile home appear as one uniform structure with the same siding and roofing as the garage and it does not readily appear as a mobile home;**
- 5. That the property address be posted so it is visible from the road in accordance with Pennington County's Ordinance #20;**

6. That the excess materials on the property may be used for the proposed garage addition, but prior to revocation of this Conditional Use Permit, the property be free of debris and inspected by the Pennington County Ordinance Officer to ensure compliance with the Pennington County Nuisance Ordinance;
7. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

**All voting aye, the Motion carried 6 to 0.**

7. LAYOUT PLAT / PL 10-04: Tom Farnsworth; Robert and Ada JoAnn Gould - Owners. To create Tracts A and B of HES No. 632 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, HES No. 632, Section 22, T1S, R1E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts A and B of HES No. 632, Section 22, T1S, R1E, BHM, Pennington County, South Dakota.

Zeller asked to have this item removed from the Consent Calendar to discuss this Layout Plat being denied without prejudice so that the applicants may resubmit a new Layout Plat. Zeller stated the applicants wish to combine proposed Tract B with the lot located to the south.

**Moved by Hoffmann and seconded by Kuehn to deny Layout Plat 10-04 without prejudice.**

**All voting aye, the Motion carried 6 to 0.**

13. CONDITIONAL USE PERMIT / CU 10-01: Power Plus Electric, LLC; David and Sharon Bolda – Owners. To allow for the placement of a wind turbine in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4SE1/4 less Right-of-Way, Section 24, T2N, R9E, BHM, Pennington County, South Dakota.

Jennissen asked to have this item removed from the Consent Calendar to recommend approval with six conditions instead of continuing the item to the February 8, 2010, Planning Commission meeting. Jennissen explained that the applicant has submitted a

response from the FAA and they do not have any objections with the proposed use and Ellsworth AFB also has no objections and a signed letter will be forthcoming from them.

Commissioner Weishaupl questioned if there is a residence located on the property.

Jennissen stated there is.

Commissioner Johnson commented on noise being generated from the wind turbine and questioned the procedure if a complaint is filed. He also wanted to know if there is a Wind Generator Ordinance in place.

Jennissen added that the noise from the wind turbine could be considered a Nuisance Violation, which staff would follow-up on. He also added that staff is currently working on a Wind Generator Ordinance.

Commissioner Johnson stated he would not support the motion because of the potential complaints for noise, the lack of an Ordinance in place to address those issues, and he also expressed concern that the Commission did not receive a copy of the written conditions for approval prior to the meeting.

Discussion followed.

Moved by Hoffmann and seconded by Fisk to approve of Conditional Use Permit 10-01 with six conditions.

Commissioner Schmidt wanted to know how far the property is located from EAFB.

Jennissen stated about 4.5 miles.

Mr. Dave Bolda, applicant, appeared and discussed the proposed wind turbine. He stated it is for personal use only and he has also spoken with the surrounding neighbors who do not have any objections. He addressed the concern of the noise and added that he does have the engineering specs which indicate what the output levels are - the noise from the wind turbine is what an air conditioner would sound like. He stated that he has also spoken with West River Electric and received approval.

A representative from Power Plus Electric appeared and reviewed the proposed wind turbine with the Planning Commission.

**Moved by Hoffmann and seconded by Fisk to approve of Conditional Use Permit 10-01 with the following six (6) conditions:**

- 1. That the wind generator meets all required setbacks from property lines;**
- 2. That the wind generator be removed once it is no longer operable;**

3. **That prior to the issuance of a Building Permit, a letter from Ellsworth AFB be submitted to the Planning Office;**
4. **That at the time of Building Permit submittal, engineered stamped plans be submitted for the construction**
5. **That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,**
6. **That this Conditional Use Permit be reviewed on a complaint basis only.**

**All voting aye, the Motion carried 5 to 1. Commissioner Johnson voted no.**

15. PRELIMINARY PLAT / PL 09-29: Terry Saylor (NMMC, Inc.); Fisk Land Surveying – Agent. To subdivide 10 acres to create Lots A and B of Miller Subdivision No. 2 in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: The North 330 feet of NW1/4SW1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B, Miller Subdivision No. 2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 7, 2009, Planning Commission meeting.)

Schmierer reviewed that this item had been continued from the December 7, 2009, Planning Commission meeting to allow for a soil specialist from DENR (Ms. Joann Noyes) to visit the subject property and evaluate the proposed site. On December 9, 2009, staff received an e-mail from Mr. Scott Hipple, DENR, regarding the report from Ms. Noyes. Mr. Hipple noted that the State would not allow for a trench system at the proposed site, based on the bedrock found in the profile hole and soil types found on site. He further commented that a mound system would be allowed if at least 4 feet of soil was found on-site. Due to the inadequate soils on the property for an absorption system, Mr. Saylor has decided to utilize a black and gray water holding tank system as the method for an on-site waste treatment.

Staff recommended denial of Preliminary Plat 09-29.

Commissioner Hoffmann asked staff about information on holding tanks and how often they needed to be pumped.

Ms. Brittney Molitor, Water Protection Coordinator, appeared and stated the household use determines how often the holding tank will need to be pumped, as well as the size of the holding tank, and the time of year.

Ms. Janelle Finck, agent, appeared and discussed the proposed application. She reviewed that the property was rezoned and the applicant is meeting all the conditions of the Layout Plat. She stated the applicant has agreed to holding tanks and indicated there should not be a problem for access to pump the holding tanks. She also discussed amending the conditions to allow Mr. Saylor to install a system that is State approved and wanted to know if the applicant is obligated to a holding tank if the State does change their Administrative Rules.

Commissioner Hoffmann expressed concern the amount of money the applicant would be potentially spending for the use of a holding tank.

Ms. Molitor commented that if the State does change the Administrative Rules, Mr. Saylor would need to meet the new standards if he submits an application to the Planning Commission to alter his holding tank system.

Commissioner Kuehn asked Ms. Finck if the applicant knows what size of holding tank he will be using.

Mr. Terry Saylor, applicant, appeared and stated he intends to utilize larger holding tanks to reduce the number of pumpings.

Moved by Hoffmann and seconded by Weishaupl to approve of Preliminary Plat 09-29 with six conditions.

Discussed followed.

**Moved by Hoffmann and seconded by Weishaupl to approve of Preliminary Plat 09-29 with the following six (6) conditions:**

- 1. That proper setbacks be maintained as a result of the proposed subdivision, including 25 feet from all property lines for structures and 10 feet for septic systems, or else an approved Setback Variance be obtained for any existing or future structures;**
- 2. That the proposed lots share an approach off of Smokey Ridge Road;**
- 3. That an approved On-Site Wastewater Construction Permit be obtained prior to any wastewater system being installed on either of the proposed lots or alterations being conducted to the existing wastewater systems located on proposed Lot B;**
- 4. That a new address be assigned for the residence on proposed Lot A and both addresses be properly posted at the approach and in accordance with Ordinance #20;**

5. **That prior to the issuance of an On-Site Wastewater Permit, the applicant shall provide documentation from a liquid waste pumping company confirming that the site is accessible and the location(s) of the black, gray, and pump (if applicable) tanks are proposed to be installed in a location that can be pumped regularly and in inclement weather conditions; and,**
6. **That the seven (7) conditions outlined in the memorandum dated January 6, 2010, from the Pennington County Water Protection Coordinator and Environmental Planner be addressed by the applicant and adhered to at all times.**

**All voting, the Motion carried 4 to 1. Commissioner Schmidt voted no and Commissioner Fisk abstained from voting.**

16. PLANNED UNIT DEVELOPMENT REVIEW / PU 03-09: High Country Guest Ranch; Larry McCaskell - Agent. To review a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots A, B, C; Lots 1-10; Well and Sewer Lots; Tract A and Tract 1 (also in Section 14 of 1S-4E), Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the December 7, 2009, Planning Commission meeting.)

Jennissen reviewed the Staff Report stating this item had been continued in order for the applicant to submit paperwork to the Forest Service for review and approval of road construction plans, as well as a completed Construction Stipulation Agreement. Staff has received an e-mail from Rodney Brown of the U.S. Forest Service regarding the road improvements. Mr. Brown indicated that a few improvements still needed to be implemented and those improvements are included in the Conditions of Approval.

Staff recommended approval of the extension of Planned Unit Development 03-09 with the following twenty-eight (28) conditions:

1. That prior to the sign being located on the property, a Pennington County Sign Permit be obtained;
2. That prior to any building permits being issued, an improved sewage carriage system be approved by South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Health Inspector;
3. That the retail space in the lodge be limited to 750 square feet, a kitchen for those using the lodge and dining area, guest registration area, and administrative offices are also permitted within the lodge and shall not be included in the 750 square feet of retail space;

4. That all work outlined in the construction schedule be completed by December 31, 2010;
5. That prior to County Board approval, a revised site plan be submitted indicating the location and size of the proposed septic tank and drainfield for the community septic tank and drainfield systems and an additional back-up system for Lots 1 through 9, Lot 10, and Lot 11;
6. That prior to County Board approval, percolation tests be performed and maximum daily wastewater flows be calculated for each wastewater system submitted to the County Environmental Planner;
7. That prior to any on-site septic system being installed, the applicant obtains all necessary permits from the Department of Environment and Natural Resources and the Pennington County Health Department;
8. That Tract 1 of Tract A remain part of High County Guest Ranch Planned Unit Development and that no more than one single-family residence be constructed on it or that Lot 15 be described and rezoned to Limited Agriculture Zone;
9. That all residential or resort structures located on Lots 1-9 shall not exceed 32 feet by 36 feet;
10. That a maximum of fifteen (15) bedrooms be allowed per drainfield;
11. That one additional sign lot be allowed in the northeast corner of proposed Lot 17. The sign shall not exceed 64 square feet per side and may be located anywhere on the sign lot;
12. That four (4) proposed camping cabins be replaced with four (4) residential/vacation cabins on individual lots. The residential/vacation cabins shall not exceed 32 feet by 36 feet;
13. The minimum required setbacks for proposed Lots 14, 15 and 17, the residential/vacation cabins sites, shall be a 15 foot front, 25 foot side yard and rear yard;
14. The minimum required setback for proposed Lot 16 shall be a twenty (20) foot front, twenty (25) feet from the north and east property line, and eighteen (18) feet from the west property line;
15. The minimum required front setback for Lots 1-9 shall be 20 feet and the minimum side yard setback for Lot 9 shall be 10 feet along the east side;
16. That the maximum size of the outdoor movie screen be 20 feet by 20 feet;

17. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
18. That all perimeter setbacks be at least twenty-five (25) feet with exception of the existing barn/office to be zero (0) feet and the stable to be ten (10) feet;
19. That the permitted uses to be allowed on proposed Lot 11 shall not exceed six (6) vacation cabins, an eight (8) bedroom bunkhouse, eight (8) campsites, and community wastewater disposal system area for the uses on site and lodge;
20. That the permitted uses to be allowed on proposed Lot 12 are offices (which shall include guest registration), laundry, outdoor movie screen, commercial trail ride operations, a shop and maintenance building and a commercial kitchen and dining facility;
21. The permitted uses to be allowed on proposed Lot 13 shall include up to a twenty (20) unit lodge not to exceed 21,000 square feet with a commercial kitchen and dining area be used only by those renting the lodge, swimming pool, meeting rooms, bike rentals, and a maximum of twelve (12) guest stables;
22. That the permitted uses for proposed Lots 17-20 shall be for private single-family residences or nightly/weekly rentals;
23. That the ATV rentals not exceed seven (7) vehicles;
24. That all rental ATVs leaving the Planned Unit Development not exceed ten (10) miles per hour on the first 4/10 of a mile of Battle Ax Road off Deerfield Road;
25. That a culvert be installed for cross drainage (location to be determined by Forest Service road engineers);
26. That a 1 inch minus surface material be laid over the 4 inch minus base course material in accordance with the U.S. Forest Service;
27. That all ground disturbed areas (other than road surface) be seeded with an approved native seed mix in accordance with the U.S. Forest Service; and,
28. That this Planned Unit Development shall be reviewed upon a complaint basis only.

Commissioner Johnson expressed concern about the three signs the applicant has located in one spot and questioned the number of signs allowed.

Jennissen stated that, based upon the Sign Ordinance, the property is in compliance.

Commissioner Johnson suggested that the number of signs permitted, per lot, be reviewed in the future.

**Moved by Hoffmann and seconded by Fisk to approve of the extension of Planned Unit Development 03-09 with the following twenty-eight (28) conditions:**

- 1. That prior to the sign being located on the property, a Pennington County Sign Permit be obtained;**
- 2. That prior to any building permits being issued, an improved sewage carriage system be approved by South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Health Inspector;**
- 3. That the retail space in the lodge be limited to 750 square feet, a kitchen for those using the lodge and dining area, guest registration area, and administrative offices are also permitted within the lodge and shall not be included in the 750 square feet of retail space;**
- 4. That all work outlined in the construction schedule be completed by December 31, 2010;**
- 5. That prior to County Board approval, a revised site plan be submitted indicating the location and size of the proposed septic tank and drainfield for the community septic tank and drainfield systems and an additional back-up system for Lots 1 through 9, Lot 10, and Lot 11;**
- 6. That prior to County Board approval, percolation tests be performed and maximum daily wastewater flows be calculated for each wastewater system submitted to the County Environmental Planner;**
- 7. That prior to any on-site septic system being installed, the applicant obtains all necessary permits from the Department of Environment and Natural Resources and the Pennington County Health Department;**
- 8. That Tract 1 of Tract A remain part of High County Guest Ranch Planned Unit Development and that no more than one single-family residence be constructed on it or that Lot 15 be described and rezoned to Limited Agriculture Zone;**
- 9. That all residential or resort structures located on Lots 1-9 shall not exceed 32 feet by 36 feet;**
- 10. That a maximum of fifteen (15) bedrooms be allowed per drainfield;**

11. That one additional sign lot be allowed in the northeast corner of proposed Lot 17. The sign shall not exceed 64 square feet per side and may be located anywhere on the sign lot;
12. That four (4) proposed camping cabins be replaced with four (4) residential/vacation cabins on individual lots. The residential/vacation cabins shall not exceed 32 feet by 36 feet;
13. The minimum required setbacks for proposed Lots 14, 15 and 17, the residential/vacation cabins sites, shall be a 15 foot front, 25 foot side yard and rear yard;
14. The minimum required setback for proposed Lot 16 shall be a twenty (20) foot front, twenty (25) feet from the north and east property line, and eighteen (18) feet from the west property line;
15. The minimum required front setback for Lots 1-9 shall be 20 feet and the minimum side yard setback for Lot 9 shall be 10 feet along the east side;
16. That the maximum size of the outdoor movie screen be 20 feet by 20 feet;
17. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
18. That all perimeter setbacks be at least twenty-five (25) feet with exception of the existing barn/office to be zero (0) feet and the stable to be ten (10) feet;
19. That the permitted uses to be allowed on proposed Lot 11 shall not exceed six (6) vacation cabins, an eight (8) bedroom bunkhouse, eight (8) campsites, and community wastewater disposal system area for the uses on site and lodge;
20. That the permitted uses to be allowed on proposed Lot 12 are offices (which shall include guest registration), laundry, outdoor movie screen, commercial trail ride operations, a shop and maintenance building and a commercial kitchen and dining facility;
21. The permitted uses to be allowed on proposed Lot 13 shall include up to a twenty (20) unit lodge not to exceed 21,000 square feet with a commercial kitchen and dining area be used only by those renting the lodge, swimming pool, meeting rooms, bike rentals, and a maximum of twelve (12) guest stables;
22. That the permitted uses for proposed Lots 17-20 shall be for private single-family residences or nightly/weekly rentals;

23. That the ATV rentals not exceed seven (7) vehicles;
24. That all rental ATVs leaving the Planned Unit Development not exceed ten (10) miles per hour on the first 4/10 of a mile of Battle Ax Road off Deerfield Road;
25. That a culvert be installed for cross drainage (location to be determined by Forest Service road engineers);
26. That a 1 inch minus surface material be laid over the 4 inch minus base course material in accordance with the U.S. Forest Service;
27. That all ground disturbed areas (other than road surface) be seeded with an approved native seed mix in accordance with the U.S. Forest Service; and,
28. That this Planned Unit Development shall be reviewed upon a complaint basis only.

**All voting aye, the Motion carried 6 to 0.**

17. REZONE / RZ 09-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 09-06: James Hynes/Aubrey Pope; Frances Aubrey – Agent. To rezone 1.13 acres from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Plan (PUD Sensitive) to Highway Service District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot B of Home Sweet Home Placer MS 804 and Lot B of (Lot 7) Tract 37, all located in Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

(Continued from the December 7, 2009, Planning Commission meeting.)

Jennissen reviewed that the applicant is still working with the KOA Campground and has not yet obtained approval for the wastewater disposal system from DENR. The applicant has requested to continue the item to the February 8, 2010, Planning Commission meeting.

Staff recommended to continue Rezone 09-08 and Comprehensive Plan 09-06 to the February 8, 2010, Planning Commission meeting.

**Moved by Hoffmann and seconded by Fisk to continue Rezone 09-08 and Comprehensive Plan 09-06 to the February 8, 2010, Planning Commission meeting.**

**All voting aye, the Motion carried 6 to 0.**

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commissions' recommendations from the December 7, 2009, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

Mr. George Ferebee appeared and spoke about the government, stating that citizens have the right to criticize government and feels everyone will be a victim of the proposed Clean Water Ordinance. He also spoke of DENR and the City of Rapid City's nitrate sampling.

20. ITEMS FROM THE STAFF

a. Building Permit Report. Jennissen reviewed the Building Report for December 2009.

21. ITEMS FROM THE MEMBERSHIP

a. 319 Grant. Jennissen reported that the State Water Board approved the 319 Grant and a new budget will be submitted.

c. Commissioner Johnson discussed having a sign-in sheet for each Planning Commission meeting.

22. DISCUSSION ITEMS

There were no discussion items.

23. ADJOURNMENT

**Moved by Kuehn and seconded by Hoffmann to adjourn.**

**All voting aye, the Motion carried 6 to 0.**

The meeting adjourned at **10:33 a.m.**

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Charlie Johnson, Chairperson