

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 10, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Karen McGregor, Jim Coleman, Mikal Lewis, and Travis Lasseter.

STAFF PRESENT: Brittney Molitor, Madisen Ransom, Chutima Supboon, Jason Theunissen, Jeri Ervin, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE DECEMBER 13, 2021, MINUTES
Moved by McGregor and seconded by Lewis to approve the Minutes of the December 13, 2021, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by Lasseter to approve the Agenda of the January 10, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Coleman and seconded by McGregor to approve the Consent Agenda of the January 10, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 20-15:** Greg Helgeson. To review a single-wide mobile home to be used as a single-family residence on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4NE1/4 (aka W1/2 GL 1), Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the December 13, 2021, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 20-15 to the February 28, 2022, Planning Commission meeting to allow the applicant time to obtain approval of a new Conditional Use Permit application.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 21-63:** Curtis and Denise Neukircher. To review an accessory structure as a primary structure on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 7, Slate Creek Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-63 with the following seven (7) conditions:

1. **That the address (11753 Prospect Road) be properly posted on the structure and at the end of the driveway where it intersects with Prospect Road, in accordance with Penning County Ordinance #20;**
2. **That the existing shed be used for personal use only, no commercial-type use is allowed;**
3. **That the minimum setback requirements for a Rural Residential District be maintained on the property;**
4. **That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;**
5. **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;**
6. **That the applicant adheres to Pennington County Zoning Ordinance § 510; and,**
7. **That this Conditional Use Permit be reviewed in one (1) year, 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.

END OF CONSENT AGENDA

5. **CONDITIONAL USE PERMIT / CU 21-68:** Delbert and Yvette Haskell. To allow an existing single-family residence to be used as a Vacation Home Rental in an Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 5, Clear Creek Tracts Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended to continue Conditional Use Permit / CU 21-68 to the February 14, 2022, Planning Commission meeting allow the applicant time to readvertise the Conditional Use Permit request for a Bed and Breakfast and to resend Notice of Hearing letters.

Discussion followed.

Moved by Lewis and seconded by Coleman to continue Conditional Use Permit / CU 21-68 to the February 14, 2022, Planning Commission meeting allow the applicant time to readvertise the Conditional Use Permit request for a Bed and Breakfast and to resend Notice of Hearing letters.

All voting aye, the Motion carried 5 to 0.

6. LAYOUT PLAN / LPL 21-89: Diamond Spur Lodge, LLC; Andy Edsen. To combine three lots to create Lot 9R of The Forks at Remmington Ranch in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 9-11, The Forks at Remmington Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 9R, The Forks at Remmington Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine three lots to create Lot 9R of The Forks at Remmington Ranch.

Staff recommended approval of Layout Plan / LPL 21-89 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, the Plat be prepared by a South Dakota Registered Land Surveyor;
2. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the plat meets the requirements of §§ 400.3 and 500.4 of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

4. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked;
6. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 9R or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
8. That prior to a Building Permit submittal, an approved Approach Permit from the Highway Department be obtained and a drainage plan be submitted to the Highway Department;
9. 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,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Coleman and seconded by Lewis to approve of Layout Plan / LPL 21-89 with the following ten (10) conditions:

- 1. That at the time of Minor Plat submittal, the Plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 3. That at the time of Minor Plat submittal, the plat meets the requirements of §§ 400.3 and 500.4 of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 4. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**

5. That the applicant ensures all-natural drainage ways are maintained and not blocked;
6. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 9R or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
8. That prior to a Building Permit submittal, an approved Approach Permit from the Highway Department be obtained and a drainage plan be submitted to the Highway Department;
9. 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,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 5 to 0.

7. MINOR PLAT / MPL 21-90: Southern Black Hills Water Systems. To subdivide and create Lot JR and Lot W of Phase 3 of Rushmore Ranch Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot J, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot JR and Lot W, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lot JR and Lot W of Phase 3 of Rushmore Ranch Estates Subdivision.

Staff recommended approval of Minor Plat / MPL 21-90 with the following seven (7) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

3. That prior to filing the mylar with the Register of Deeds, Section Line(s) be shown on the plat;
4. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked;
6. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above described properties, and,
7. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance.

Discussion followed.

Moved by McGregor and seconded by Coleman to approve of Minor Plat / MPL 21-90 with the following seven (7) conditions:

- 1. That prior to filing the mylar with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 3. That prior to filing the mylar with the Register of Deeds, Section Line(s) be shown on the plat;**
- 4. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
- 5. That the applicant ensures all-natural drainage ways are maintained and not blocked;**
- 6. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above described properties, and,**
- 7. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance.**

All voting aye, the Motion carried 5 to 0.

8. CONDITIONAL USE PERMIT / CU 21-62: Michael and Megan Meyer. To allow a Vacation Home Rental in an Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

(Continued from the November 8, 2021, Planning Commission meeting.)

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 21-62 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR) 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 all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if an addition is constructed on the single-family residence and/or the OSWTS 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 DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-62, be subject to PCZO § 511(P), which includes a \$100 fee per review;
7. 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 prior to operation of the Vacation Home Rental;
8. 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;

9. That a minimum of four (4) 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;
10. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
11. That the lot address (24405 Oak Meadows Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Oak Meadows Road, in accordance with Pennington County Ordinance #20;
12. 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;
13. That if the person designated as the Local Contact is ever changed from Jeff Easton, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s) per PCZO § 312;
16. That an approved Building Permit be obtained for any future 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,
17. 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.

Supboon further stated that Staff is recommending to change the maximum overnight occupancy to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per SD DANR approval,.

Discussion followed.

Moved by McGregor to hear this request after Item #12 because of audio difficulties (Staff was able to fix the audio and proceed with hearing this item).

Discussion further followed.

Moved by Lewis and seconded by Lasseter to approve of Conditional Use Permit / CU 21-62 with the following seventeen (17) conditions:

- 1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR) approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);**
- 3. That if an addition is constructed on the single-family residence and/or the OSWTS 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 DANR;**
- 4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 5. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;**
- 6. That each review of Conditional Use Permit / CU 21-62, be subject to PCZO § 511(P), which includes a \$100 fee per review;**
- 7. 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 prior to operation of the Vacation Home Rental;**
- 8. 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;**
- 9. That a minimum of four (4) 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;**
- 10. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;**

11. That the lot address (24405 Oak Meadows Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Oak Meadows Road, in accordance with Pennington County Ordinance #20;
12. 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;
13. That if the person designated as the Local Contact is ever changed from Jeff Easton, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s) per PCZO § 312;
16. That an approved Building Permit be obtained for any future 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,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

9. CONDITIONAL USE PERMIT / CU 21-67: Kelley and Kasey Kurtz. To live in a double-wide mobile home, while building a single-family residence on the subject property and then the double-wide mobile home will be removed from the property in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 10, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a double-wide mobile home, while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-67 with the following eight (8) conditions:

1. 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;
2. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
4. That a Building Permit application for the proposed single-family residence be applied for within six months of approval of Conditional Use Permit / CU 21-67;
5. That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That the double-wide mobile home be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
7. That the subject property remains free of debris and junk vehicles; and,
8. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Conditional Use Permit / CU 21-67 with the following eight (8) conditions:

- 1. 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;**
- 2. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);**
- 4. That a Building Permit application for the proposed single-family residence be applied for within six months of approval of Conditional Use Permit / CU 21-67;**
- 5. That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**

6. **That the double-wide mobile home be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
7. **That the subject property remains free of debris and junk vehicles; and,**
8. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

10. CONDITIONAL USE PERMIT / CU 21-70: Theodore and Lucie Huettl. To allow an accessory structure, a carport, as a primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 33, Cleghorn Canyon Subdivision, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure, a carport, as a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-70 with the following ten (10) conditions:

1. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;
2. That an approved Building Permit be obtained for the carport, which requires a site plan to be reviewed and approved by the Planning Director;
3. That an address be assigned for the carport and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Cleghorn Canyon Road;
4. That an Access Easement be recorded at the Register of Deeds prior to approval of the Building Permit;
5. That the applicant obtains an approved Approach Permit from the County Highway Department;
6. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
7. That the property remains free of junk and debris;

8. 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;
9. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
10. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by Lewis to approve of Conditional Use Permit / CU 21-70 with the following ten (10) conditions:

- 1. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;**
- 2. That an approved Building Permit be obtained for the carport, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That an address be assigned for the carport and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Cleghorn Canyon Road;**
- 4. That an Access Easement be recorded at the Register of Deeds prior to approval of the Building Permit;**
- 5. That the applicant obtains an approved Approach Permit from the County Highway Department;**
- 6. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**
- 7. That the property remains free of junk and debris;**
- 8. 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;**
- 9. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,**
- 10. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

11. PLANNED UNIT DEVELOPMENT OVERLAY / PU 21-20: Chace and Leslie Larsen. To allow a Planned Unit Development Overlay to allow a Specialty Resort to include five rental cabins, a shop building, an office/laundry facility, and the existing single-family residence to be used as the caretaker's/manager's residence in accordance with Section 216 of the Pennington County Zoning Ordinance.

Also in Section 28, Midway Fraction Lode MS 2014, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Specialty Resort to include five rental cabins, a shop building, an office/laundry facility, and the existing single-family residence to be used as the caretaker's/manager's residence.

Staff recommended approval of Planned Unit Development Overlay / PU 21-20 with the following nineteen (19) conditions:

1. That the approved uses of the Specialty Resort include: five (5) seasonal rental cabins, a shop building, an office/laundry facility, and the existing single-family residence to be used as the manager's residence;
2. That the rental cabins operate from May through August of each year;
3. That the unit number assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way, in accordance with Pennington County's Ordinance #20;
4. That the address for the main house (23935 Pink Cabin Road) continue to be posted on the residence and so that it is visible from both directions of travel on Pink Cabin Road, in accordance to Pennington County's Ordinance #20;
5. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310, which requires one (1) parking space per guest bedroom for each cabin;
6. 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 PCZO;
7. That the applicant maintains all necessary permits from other governing bodies for the operation of the Recreation 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;
8. 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 continue to be kept on file at the Planning Department;

9. That the property remains free of debris and junk vehicles and all structures be well-maintained;
10. 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 PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
11. 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;
12. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
14. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
15. That no trespassing signs continue to be posted along the west property line boundary to notify any guests to not cross into the neighbors' adjoining property;
16. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
17. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
18. That quiet hours for the Recreation Resort be between 10 p.m. and 8 a.m.; and,
19. That this Planned Unit Development Overlay 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.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Planned Unit Development Overlay / PU 21-20 with the following nineteen (19) conditions:

- 1. That the approved uses of the Specialty Resort include: five (5) seasonal rental cabins, a shop building, an office/laundry facility, and the existing single-family residence to be used as the manager's residence;**

2. That the rental cabins operate from May through August of each year;
3. That the unit number assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way, in accordance with Pennington County's Ordinance #20;
4. That the address for the main house (23935 Pink Cabin Road) continue to be posted on the residence and so that it is visible from both directions of travel on Pink Cabin Road, in accordance to Pennington County's Ordinance #20;
5. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310, which requires one (1) parking space per guest bedroom for each cabin;
6. 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 PCZO;
7. That the applicant maintains all necessary permits from other governing bodies for the operation of the Recreation 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;
8. 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 continue to be kept on file at the Planning Department;
9. That the property remains free of debris and junk vehicles and all structures be well-maintained;
10. 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 PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
11. 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;
12. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;

14. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
15. That no trespassing signs continue to be posted along the west property line boundary to notify any guests to not cross into the neighbors' adjoining property;
16. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
17. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
18. That quiet hours for the Recreation Resort be between 10 p.m. and 8 a.m.; and,
19. That this Planned Unit Development Overlay 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, the Motion carried 4 to 1. Commissioner Lewis voted no.

12. CONDITIONAL USE PERMIT / CU 21-65: Limestone Creek Ranch, LLC; Thomas Stowers - Owner. To allow a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319 and 510 of the Pennington County Zoning Ordinance.

Lot 4 Revised, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 13, 2021, Planning Commission meeting.)

Supboon stated this Item was continued from the December 13, 2021, Planning Commission meeting to allow the applicant time to update the Sales Tax License to reflect the landowner's name.

Staff recommended to continue Conditional Use Permit / CU 21-65 to the February 14, 2022, Planning Commission meeting with the following two (2) conditions:

1. That the applicant submits a new South Dakota Sales Tax license with the owner's name; and,
2. That this Conditional Use Permit be reviewed at the February 14, Planning Commission meeting.

Discussion followed.

Moved by Coleman seconded by McGregor to continue Conditional Use Permit / CU 21-65 to the February 14, 2022, Planning Commission meeting with the following two (2) conditions:

- 1. That the applicant submits a new South Dakota Sales Tax license with the owner's name; and,**
- 2. That this Conditional Use Permit be reviewed at the February 14, Planning Commission meeting.**

All voting aye, the Motion carried 5 to 0.

13. CONDITIONAL USE PERMIT / CU 21-66: Recreational Adventures Company; Scull Construction - Agent. To allow an employee housing / dormitory building for seasonal workers on the subject property in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Tract A of Tract 37 (in N1/2), Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an employee housing / dormitory building for seasonal workers on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-66 with the following nine (9) conditions:

1. 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;
2. That the employee housing / dormitory building only be used by workers of the Palmer Gulch KOA;
3. That a smoke detector be placed in each sleeping room of the employee housing/dormitory;
4. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of the dormitory;
5. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
6. That the physical address of each structure be posted in accordance with Ordinance #20;

7. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Palmer Gulch Road;
8. That any future development within the campground be done as a Planned Unit Development Overlay; and,
9. That this Conditional Use Permit be reviewed in one (1) year or as directed by the Planning Commission.

Discussion followed.

Moved by Lasseter and seconded by Coleman to approve of Conditional Use Permit / CU 21-66 with the following nine (9) conditions:

- 1. 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;**
- 2. That the employee housing / dormitory building only be used by workers of the Palmer Gulch KOA;**
- 3. That a smoke detector be placed in each sleeping room of the employee housing/ dormitory;**
- 4. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of the dormitory;**
- 5. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;**
- 6. That the physical address of each structure be posted in accordance with Ordinance #20;**
- 7. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Palmer Gulch Road;**
- 8. That any future development within the campground be done as a Planned Unit Development Overlay; and,**
- 9. That this Conditional Use Permit be reviewed in one (1) year or as directed by the Planning Commission.**

All voting aye, the Motion carried 5 to 0.

14. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-16: Michael Carter. To allow an accessory structure, a garage, as a primary structure on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 60, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development to allow an accessory structure, a garage, as a primary structure on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 21-16 with the following fourteen (14) conditions:

1. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than 4 Town Homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;
3. That all single-family residences be constructed on lots containing three acres or more;
4. That a minimum of 9.67 acres of common area be provided (Effective 01/12/2022);
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;
8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
10. That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;

12. That an accessory structure, a garage, may be used as a primary structure on Tract 60;
13. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
14. That this Minor Planned Unit Development Amendment be reviewed in two (2) years or as directed by the Planning Commission.

Discussion followed.

Moved by Coleman and seconded by Lasseter to approve Minor Planned Unit Development Amendment / PU 21-16 with the following fourteen (14) conditions:

- 1. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;**
- 2. That no more than 4 Town Homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;**
- 3. That all single-family residences be constructed on lots containing three acres or more;**
- 4. That a minimum of 9.67 acres of common area be provided (Effective 01/12/2022);**
- 5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;**
- 6. That a maximum of five (5) commercial structures each no more than 5000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;**
- 7. That no structures have wood shakes;**
- 8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;**
- 9. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;**
- 10. That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;**

11. **The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;**
12. **That an accessory structure, a garage, may be used as a primary structure on Tract 60;**
13. **That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,**
14. **That this Minor Planned Unit Development Amendment be reviewed in two (2) years or as directed by the Planning Commission.**

All voting aye, the Motion carried 5 to 0.

15. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-19: Quality Five, LLC (Robins Roost Cabins); Matt and Beth Kenaston. To amend an existing Planned Unit Development to allow for seasonal and long-term rentals, motel unit(s), multi-family unit(s) for seasonal and long-term rental, Vacation Home Rental(s), caretaker's/ manager's residence, and accessory structures in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 1, Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Major Planned Unit Development Amendment to amend an existing Planned Unit Development to allow for seasonal and long-term rentals, motel unit(s), multi-family unit(s) for seasonal and long-term rental, Vacation Home Rental(s), caretaker's/ manager's residence, and accessory structures.

Staff recommended approval of Major Planned Unit Development Amendment / PU 21-19 with the following nineteen (19) conditions:

1. That the permitted uses be for) seasonal rental cabins, long term rental cabins, combination office and three (3) bedroom rental unit, seasonal/long term rental structures, multi-family rentals, hotel/motel, Vacation Home Rentals and any accessory structures directly supporting the operation of the approved use;
2. 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;
3. That the required setbacks for any structure be a minimum of twenty-five (25) from the front property line and a minimum of ten (10) feet from the side and rear

property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;

4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
7. That all addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
9. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in Section 310 of the Pennington County Zoning Ordinance;
10. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Robbins Roost;
12. That a smoke detector be placed in each sleeping room utilized for a hotel / motel, rental cabin, multi-family rental, or vacation home rental, to include 1 smoke detector per floor;
13. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a hotel / motel, cabin, multifamily rental, or vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
14. That the maximum number of people staying at any cabin, rental, hotel / motel, or vacation home rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
15. That the physical address of each structure be posted in each guest room utilized as a hotel / motel, cabin, multi-family rental and vacation home rental;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be

in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;

17. That any Vacation Home Rentals must comply with PCZO §319;
18. 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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
19. That this Planned Unit Development be reviewed in 2 years, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Moved by McGregor and seconded by Lasseter to approve of Major Planned Unit Development Amendment / PU 21-19 with the following nineteen (19) conditions:

- 1. That the permitted uses be for) seasonal rental cabins, long term rental cabins, combination office and three (3) bedroom rental unit, seasonal/long term rental structures, multi-family rentals, hotel/motel, Vacation Home Rentals and any accessory structures directly supporting the operation of the approved use;**
- 2. 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;**
- 3. That the required setbacks for any structure be a minimum of twenty-five (25) from the front property line and a minimum of ten (10) feet from the side and rear property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;**
- 4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;**
- 5. That all natural drainage paths be continually maintained;**
- 6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;**
- 7. That all addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;**

9. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in Section 310 of the Pennington County Zoning Ordinance;
10. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Robbins Roost;
12. That a smoke detector be placed in each sleeping room utilized for a hotel / motel, rental cabin, multi-family rental, or vacation home rental, to include 1 smoke detector per floor;
13. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a hotel / motel, cabin, multifamily rental, or vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
14. That the maximum number of people staying at any cabin, rental, hotel / motel, or vacation home rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
15. That the physical address of each structure be posted in each guest room utilized as a hotel / motel, cabin, multi-family rental and vacation home rental;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
17. That any Vacation Home Rentals must comply with PCZO §319;
18. 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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
19. That this Planned Unit Development be reviewed in two (2) years, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

16. COMPREHENSIVE PLAN AMENDMENT / CA 21-15: Paul and Cathleen Cox. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 2, Brome Grass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Rural Residential District to Low Density Residential District.

Staff recommended denial of Comprehensive Plan Amendment / CA 21-15.

Discussion followed.

Moved by Coleman and seconded by McGregor to deny Comprehensive Plan Amendment / CA 21-15.

All voting aye, the Motion carried 5 to 0.

17. REZONE / RZ 21-33: Paul and Cathleen Cox. To rezone 3.00 acres from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington Zoning Ordinance.

Lot 2, Brome Grass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 3.00 acres from Rural Residential District to Low Density Residential District.

Staff recommended denial of Rezone / RZ 21-33.

Discussion followed.

Moved by Lewis and seconded by Coleman to deny Rezone / RZ 21-33.

All voting aye, the Motion carried 5 to 0.

18. REZONE / RZ 21-32: Michael and Angela Holmberg; Renner Associates - Agent. To rezone 1.00 acre from Agriculture District to Low Density Residential District in accordance with Sections 205, 208, and 508 of the Pennington Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the northeasterly corner of Lot 1 of Lovell Subdivision, Thence, S1°50'47"W, a distance of 564.04' to the point of beginning. Thence, first course:

S00°07'09"W, a distance of 401.50 feet; Thence, second course: N89°52'51"W, a distance of 112.30 feet; Thence, third course: N01°11'47"E, a distance of 401.57 feet; Thence, fourth course: S89°52'51"E, a distance of 104.75 feet; to the said Point of Beginning. Said Parcel contains 1.000 acre more or less; in Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 1.00 acre from Agriculture District to Low Density Residential District.

Discussion followed.

Moved by McGregor and seconded by Coleman to approve Rezone / RZ 21-32.

All voting aye, the Motion carried 5 to 0.

19. CONDITIONAL USE PERMIT / CU 21-69: Lynn Beasley. To allow an accessory dwelling unit to be located in a detached garage on the subject property in an Agriculture District in accordance with Sections 205, 324, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Larson Subdivision, Section 30, T1N, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory dwelling unit to be located in a detached garage on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-69 with the following fifteen (15) conditions:

1. That only one (1) Accessory Dwelling Unit (ADU) be allowed;
2. That the applicants obtain an approved Building Permit for the ADU;
3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;
4. That the ADU has a residential appearance and not be a Recreational Vehicle;
5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Norsemen Lane so they are clearly visible, in accordance with Pennington County Ordinance #20;
6. That the On-site Wastewater Treatment System (OSWTS) is permitted and complies with City of Rapid City requirements;
7. That all necessary OSWTS permits are obtained from the City of Rapid City;

8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
9. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
10. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
11. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
12. That at least 1 off-street parking space be provided for the ADU;
13. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
14. 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,
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.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve of Conditional Use Permit / CU 21-69 with the following fifteen (15) conditions:

- 1. That only one (1) Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the applicants obtain an approved Building Permit for the ADU;**
- 3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;**
- 4. That the ADU has a residential appearance and not be a Recreational Vehicle;**
- 5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Norsemen Lane so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 6. That the On-site Wastewater Treatment System (OSWTS) is permitted and complies with City of Rapid City requirements;**

7. That all necessary OSWTS permits are obtained from the City of Rapid City;
8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
9. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
10. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
11. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
12. That at least 1 off-street parking space be provided for the ADU;
13. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
14. 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,
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 5 to 0.

Moved by Lasseter and seconded by Coleman to take a 10 minutes recess. All voting aye, the Motion carried 5 to 0.

Moved by McGregor and seconded by Lasseter to reconvene. All voting aye, the Motion carried 5 to 0.

20. LAYOUT PLAN / LPL 21-79: Marjorie Helgeson Trustee / Davis Engineering. To reconfigure lot lines to create Lot 3 Revised of SE1/4SW1/4, NE1/4NW1/4 (also in Section 10) in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL14 Less Payton Addition and Less ROW; GL 6 Less Lot 1, 2, and 3 and Less ROW; and Lot 3 of SE1/4SW1/4, NE1/4NW1/4 (Also in Section 10), Section 3, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3 Revised of SE¹/₄SW¹/₄ of Section 3 and NE¹/₄NW¹/₄ of Section 10, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 13, 2021, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines to create Lot 3 Revised of SE¹/₄SW¹/₄, NE¹/₄NW¹/₄.

Staff recommended approval of Layout Plan / LPL 21-79 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
4. That at the time of Minor Plat submittal, the plat meets 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;
5. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Minor Plat submittal, a 40-foot-wide access easement be created to ensure a landlocked parcel is not created between Tract A of Alma Subdivision and Lot 3 Revised;
7. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;
8. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lot 3 Revised;
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Coleman and seconded by Lewis to approve of Layout Plan / LPL 21-79 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
4. That at the time of Minor Plat submittal, the plat meets 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;
5. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Minor Plat submittal, a 40-foot-wide access easement be created to ensure a landlocked parcel is not created between Tract A of Alma Subdivision and Lot 3 Revised;
7. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;
8. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lot 3 Revised;
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 5 to 0.

21. CONDITIONAL USE PERMIT AMENDMENT / CU 15-09: Reno Gulch Storage, LLC; Dann and Monica Detwiler. To amend an existing Conditional Use Permit to add four storage units to the subject property in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot B of Lot 4 (also in Section 36-T1S-R4E), Iowa Placer MS 636, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to amend an existing Conditional Use Permit to allow for an additional four storage units.

Staff originally had recommended to continue this request indefinitely until a decision can be made by the Board of Commissioners regarding an isolated tract petition filed by an adjacent landowner, but are now recommending this Item be continued to the January 24, 2022, Planning Commission meeting.

Discussion followed.

Moved by Lasseter and seconded by Coleman to continue Conditional Use Permit Amendment / CU 15-09 to January 24, 2022, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

22. CONDITIONAL USE PERMIT / CU 21-64: Jane Patnoe; Don Patnoe - Agent. To allow a tiny home/park model as a primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All of Climax Lode MS 942, Section 12, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the December 13, 2021, Planning Commission meeting.)

Theunissen stated this Item was continued from the December 13, 2021, Planning Commission meeting to allow the applicant time to address concerns of the Planning Commission.

Staff recommended approval of Conditional Use Permit / CU 21-64 with the following three (3) conditions:

1. That an address be assigned and clearly posted on the structure and at the intersection of Log Cabin Road and the existing driveway, in accordance with Pennington County Ordinance #20;
2. That the minimum setback requirements of an Agriculture District be continually maintained on the property; and,
3. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by McGegor to approve of Conditional Use Permit / CU 21-64 with the following three (3) conditions:

1. **That an address be assigned and clearly posted on the structure and at the intersection of Log Cabin Road and the existing driveway, in accordance with Pennington County Ordinance #20;**
2. **That the minimum setback requirements of an Agriculture District be continually maintained on the property; and,**
3. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

23. CONDITIONAL USE PERMIT REVIEW / CU 19-33: No Bad Days Campground; Robert Livingston. To review a Recreational Vehicle Park on the subject property to include RV sites, a gas station, a convenience store, and a bar in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Theunissen stated the Planning Commission requested this Conditional Use Permit be reviewed, based on recommendations by SD DANR.

Staff had originally recommended Conditional Use Permit / CU 19-33 be continued indefinitely until the applicant obtains a license from South Dakota Department of Agriculture and Natural Resources to operate a Transient Non-Community Water System, but is now recommending this Item be continued and reviewed at the July 22, 2022, Planning Commission meeting.

Discussion followed.

Moved by Coleman and seconded by Lasseter that Conditional Use Permit / CU 19-33 be reviewed at the July 22, 2022, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

24. CONDITIONAL USE PERMIT REVIEW / CU 21-40: No Bad Days Campground; Robert Livingston. To review the rental of Utility Vehicles (UTVs), kayaks, and paddle boards on the subject property in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Theunissen stated the Planning Commission requested this Conditional Use Permit be reviewed, based on recommendations by SD DANR.

Staff had originally recommended Conditional Use Permit / CU 21-40 be continued indefinitely until the applicant obtains a license from South Dakota Department of Agriculture and Natural Resources to operate a Transient Non-Community Water System, but is now recommending this Item be continued and reviewed at the July 22, 2022, Planning Commission meeting.

Discussion followed.

Moved by Coleman and seconded by McGregor that Conditional Use Permit / CU 21-40 be reviewed at the July 22, 2022, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

25. COMPREHENSIVE PLAN AMENDMENT / CA 21-16: Valley Development, LLC. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District and Low Density Residential District to Urban Residential District in accordance with Sections 205, 208, 210, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land located in the W1/2NW1/4 and the NW1/4SW1/4 of Section 13, T1N, R8E, B.H.M., Pennington County, South Dakota; more particularly described as follows: Beginning at the NW section corner of section 13, T1N, R8E; Thence S 88°06'15" E, 33.0'; Thence S 01°55'36" W, 33.0' being the point of beginning; Thence S 88°06'15" E, 1287.76; Thence S 02°03'27" W, 3949.28'; Thence N 88°04'20" W, 316.91'; Thence N 02°08'16" E, 384.95'; Thence N 88°08'17" W, 750.42'; Thence S 02°10'56" W, 5.00'; Thence N 88°06'47" W, 217.00'; Thence N 02°01'58" E, 2271.89'; Thence N 88°12'24" E, 186.98'; Thence N 01°51'13" E, 199.69'; Thence N 88°01'38" W, 186.73'; Thence N 01°55'36" E, 1097.46' to the point of beginning; Containing 107.11 Acres, more or less; in Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District and Low Density Residential District to Urban Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 21-16.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 21-16.

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

26. REZONE / RZ 21-34: Valley Development, LLC. To rezone 107.11 acres +/- from Agriculture District to Urban Residential District in accordance with Sections 205, 210, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land located in the W1/2NW1/4 and the NW1/4SW1/4 of Section 13, T1N, R8E, B.H.M.,

Pennington County, South Dakota; more particularly described as follows: Beginning at the NW section corner of section 13, T1N, R8E; Thence S 88°06'15" E, 33.0'; Thence S 01°55'36" W, 33.0' being the point of beginning; Thence S 88°06'15" E, 1287.76; Thence S 02°03'27" W, 3949.28'; Thence N 88°04'20" W, 316.91'; Thence N 02°08'16" E, 384.95'; Thence N 88°08'17" W, 750.42'; Thence S 02°10'56" W, 5.00'; Thence N 88°06'47" W, 217.00'; Thence N 02°01'58" E, 2271.89'; Thence N 88°12'24" E, 186.98'; Thence N 01°51'13" E, 199.69'; Thence N 88°01'38" W, 186.73'; Thence N 01°55'36" E, 1097.46' to the point of beginning; Containing 107.11 Acres, more or less; in Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 107.11 acres +/- from Agriculture District to Urban Residential District.

Staff recommended approval of Rezone / RZ 21-34.

Discussion followed.

Moved by Coleman to approve of Rezone / RZ 21-34. Motion died for lack of a second.

SUBSTITUTE MOTION: Moved by McGregor and seconded by Lewis to approve of Rezone / RZ 21-34 to Suburban Residential Zoning District.

Discussion further followed.

Vote on Substitute Motion: Commissioners Marsh, Coleman, Lewis, and Lasseter voted no. Commissioner McGregor voted yes. Substitute Motion failed 4 to 1.

Moved by Lasseter and seconded by McGregor to send Rezone / RZ 21-34 to the Board of Commissioners without a recommendation.

All voting aye, the Motion carried 5 to 0.

27. REZONE / RZ 21-35: Valley Development, LLC. To rezone 8.522 acres +/- from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land located in the NW1/4SW1/4 of Section 13, T1N, R8E, B.H.M., Pennington County, South Dakota; more particularly described as follows: Beginning at the NW section corner of Section 13, T1N, R8E; Thence S 01°59'36" W, 3602.63'; Thence S 88°06'47" E, 33.0' being the point of beginning; Thence S 02°10'56" W, 379.71'; Thence S 88°07'05" E, 967.72'; Thence N 02°08'16" E, 384.95'; Thence N 88°08'17" W, 750.42'; Thence S 02°10'56" W, 5.00'; Thence N 88°06'47" W, 217.00' to the point of beginning; Containing 8.522 Acres, more or less; in Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 8.522 acres +/- from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 21-35.

Moved by Lasseter and seconded by Coleman to approve of Rezone / RZ 21-35.

All voting aye, the Motion carried 5 to 0.

28. ORDINANCE AMENDMENT / OA 21-22: Pennington County. To add Section 330 “Efficiency Dwellings” to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 330 – Efficiency Dwellings to the Zoning Ordinance.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve of Ordinance Amendment / OA 21-22.

All voting aye, the Motion carried 5 to 0.

29. ORDINANCE AMENDMENT / OA 21-23: Pennington County. To amend Section 205-A “Agriculture District” of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 205-A to add Efficiency Dwellings to the Zoning Ordinance.

Discussion followed.

Moved by Coleman and seconded by Lasseter to approve of Ordinance Amendment / OA 21-23.

All voting aye, the Motion carried 5 to 0.

30. ORDINANCE AMENDMENT / OA 21-24: Pennington County. To amend Section 210-A “Urban Residential District” of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 210-A to add Efficiency Dwellings to the Zoning Ordinance.

Discussion followed.

Moved by Coleman and seconded by Lasseter to approve of Ordinance Amendment / OA 21-24.

All voting aye, the Motion carried 5 to 0.

31. ORDINANCE AMENDMENT / OA 21-25: Pennington County. To amend the Subdivision Regulations of the Pennington County Subdivision Regulations Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend the Subdivision Regulations of the Pennington County Subdivision Regulations Ordinance.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Ordinance Amendment / OA 21-25.

All voting aye, the Motion carried 5 to 0.

32. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their December 13, 2021, meeting.

33. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

34. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for December 2021.

35. ITEMS FROM THE MEMBERSHIP

Chairman Marsh noted the resignation of Planning Commissioner Sandra Runde.

Chairman Marsh spoke of Hard Rock mining and scheduling a Special Planning Commission meeting.

Moved by McGregor and seconded by Coleman to schedule a Special Planning Commission meeting on Wednesday, February 9, 2022, at 5 p.m. to hear the Hard Rock Mining Ordinance.

All voting aye, the Motion carried 5 to 0.

36. ADJOURNMENT

Moved by Lasseter and seconded by McGregor to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 2:06 p.m.

Rich Marsh, Chairperson