

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 25, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Jim Coleman, Charlie Johnson, Kathy Johnson, Sande Runde, Karen McGregor, and Travis Lasseter.

STAFF PRESENT: Brittney Molitor, Chutima Supboon, Cody Sack, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JANUARY 11, 2021, MINUTES
Moved by McGregor and seconded by K. Johnson to approve the Minutes of the January 11, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by C. Johnson and seconded by Runde to approve the Agenda of the January 25, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Runde and seconded by C. Johnson to approve the Consent Agenda of the January 25, 2021, Planning Commission meeting. Vote: unanimous 7 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 16-43: Stephen and Kristine Gullikson. To review a home occupation to allow for an internet firearm sales and distribution business on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2N1/2S1/2SE1/4SW1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-43 with the following thirteen (13) conditions:

1. That the Home Occupation continues to be located entirely within the existing single-family residence and that the residential character of the property continually be maintained;

2. That one (1) sign be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance;
3. That storage and disposal of materials, liquids, and wastes shall continually be in a manner that meets all Federal, State and Local requirements;
4. That all necessary Local, State, and Federal licenses and permits be maintained and that copies of these licenses and permits be provided to the Planning Director upon request during subsequent Conditional Use Reviews. This includes, but is not limited to a Federal Firearms License;
5. That the applicant continually complies with all applicable Local, State, and Federal laws and regulations;
6. That reasonable measures are continually taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
7. That an address for the subject property continually be posted in accordance with Pennington County's Ordinance #20;
8. That upon sale or transfer of the subject property, CU 16-43 will automatically be revoked;
9. That the business shall be operated by members of the family residing at the residence to include no more than one (1) additional employee;
10. That there continues to be a minimum of two (2) off-street parking spaces available at all times;
11. That the hours of operation continue to be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
12. That the property remains free of debris and junk vehicles; and,
13. That this Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-47:** Kevin and Crystal McKinstry. To review an accessory structure, shed, prior to a principle structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 20, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-47 with the applicants' concurrence.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 19-27:** Marilyn and Greg Bolt. To review an existing single-family residence to be used as a Bed and Breakfast in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

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

To continue the review of Conditional Use Permit / CU 19-27 to the February 22, 2021, Planning Commission meeting to allow the applicants time to work with the Planning Department regarding Staff's concerns.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-34:** Lloyd and Pamala LaCroix. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1-B, Elkhorn Mountain View Estates, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-34 with thirteen (13) conditions.

1. **That the maximum overnight occupancy, based on SD DENR approval, be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Zoning Ordinance (PCZO) Section 319(F)(13);**
2. **That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
3. **That the proper permits be obtained prior to utilize a fire pit on the property and all fire restrictions be followed at all times;**
4. **That each review of this Permit, be subject to PCZO Section 511(P), which includes a \$100 fee per review;**
5. **That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department**

of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;

6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of 3 off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9' x 18' and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (12558 Ford Mountain Court) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Ford Mountain Court, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Lloyd LaCroix, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals; and,
13. That this Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. **PLANNED UNIT DEVELOPMENT REVIEW / PU 16-03:** Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review a Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the

subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the November 23, 2020, Planning Commission meeting.)

To continue the review of Planned Unit Development / PU 16-03 to no later than the September 20, 2021, Planning Commission meeting to allow the applicants time submit a Major Planned Unit Development Amendment or meet the current Conditions of Approval, specifically Condition #28.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

8. VACATION OF RIGHT-OF-WAY / VR 20-03: Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying – Agent. To vacate a portion of the Right-of-Way adjoining Lots 1, 2, and 7 of Replatted Lots 7 and 8 of Clear Creek Placer MS 1184 in accordance with the Pennington County Zoning Ordinance.

Portion of Right-of-Way adjoining Lots 1, 2, and 7 of Replatted Lots 7 and 8 of Clear Creek Placer MS 1184 in accordance with the Pennington County Zoning Ordinance.

Sack reviewed the Staff Report indicating the applicant has applied for a Vacation of Right-of-Way to vacate a portion of the Right-of-Way adjoining Lots 1, 2, and 7 of Replatted Lots 7 and 8 of Clear Creek Placer MS 1184.

Staff recommended approval of Vacation of Right-of-Way / VR 20-03 with the following one (1) condition:

1. That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds Office.

Discussion followed.

Moved by Runde and seconded by C. Johnson to approve of Vacation of Right-of-Way / VR 20-03 with the following one (1) condition:

- 1. That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds Office.**

All voting aye, the Motion carried 7 to 0.

9. LAYOUT PLAN / LPL 20-47: Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying – Agent. To combine two lots to create Lot 1R of Lots 7 and 8 of Clear Creek Placer MS 1184 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 and Lot 2 of Lots 7 and 8 of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Lots 7 and 8 of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Theuinness reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots to create Lot 1R of Lots 7 and 8 of Clear Creek Placer MS 1184.

Staff recommended approval of Layout Plan / LPL 20-47 with the following seven (7) conditions:

1. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. 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;

3. 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;
4. That prior to the mylar being filed at Register of Deeds, the applicant obtain and approved Setback Variance for the existing 20' x 24' detached garage;
5. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Rezone and Comprehensive Plan Amendment;
6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Theunissen further stated that staff will be recommending to remove Condition #4 as the applicant has obtained an approved Variance for the detached garage.

Discussion followed.

Moved by K. Johnson and seconded by Runde to approve of Layout Plan / LPL 20-47 with the following six (6) conditions:

- 1. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. 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;**
- 3. 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;**
- 4. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Rezone and Comprehensive Plan Amendment;**
- 5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 6. 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 7 to 0.

10. REZONE / RZ 20-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-06:
Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying – Agent. To rezone 1.01 acres from General Agriculture District (minimum 40 acre lot size) to Suburban Residential District (minimum 20,000 square foot lot size) and to amend the Comprehensive Plan to change the Future Land Use from Rural Residential District (minimum 3 acre lot size) to Suburban Residential District (minimum 6,500 square foot lot size) in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 1 and 2 of Lots 7 and 8 of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 1.01 acres from General Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 20-08 and Comprehensive Plan Amendment / CA 20-06.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Rezone / RZ 20-08 and Comprehensive Plan Amendment / CA 20-06.

All voting aye, the Motion carried 7 to 0.

11. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 11, 2021, Planning Commission meeting.

12. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

13. ITEMS FROM THE STAFF

- A. Planning Commission – Compensation Rates. Molitor stated that, at the January 19, 2021, Board of Commissioners meeting, the Board approved an increase to the Compensation Rates for the Planning Commission to \$50 per meeting, plus mileage.

14. ITEMS FROM THE MEMBERSHIP

Chairman Marsh spoke of the new format for Staff Reports.

15. ADJOURNMENT

Moved by K. Johnson and seconded by Runde to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:26 a.m.

Rich Marsh, Chairperson