

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 26, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Kevin Burton, Jim Coleman, Mikal Lewis, Kevin Kuehn, and Deb Hadcock

STAFF PRESENT: Brittney Molitor, Jason Theunissen, Megan Talmage, Kelsey Rausch, Christine Phillip, Cody Sack, TJ Doreff, Jeri Ervin, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE FEBRUARY 12, 2024, MINUTES
Moved by McGregor and seconded by Lewis to approve the Minutes of the February 12, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by McGregor to approve the Agenda of the February 26, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.

Commissioner Coleman appeared at the meeting at 9:03 a.m.

3. APPROVAL OF THE CONSENT AGENDA
Moved by Coleman and seconded by Burton to approve the Consent Agenda of the February 26, 2024, Planning Commission meeting, with the removal of Items #6 and #8. 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.

4. CONDITIONAL USE PERMIT REVIEW / CUR 99-22: South Canyon Country Estates Homeowner's Association; Ron Davis-Agent. To review a community recreational area in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot A, Block 7, South Canyon Country Estates, Section 26, T2N, R6E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 99-22 with the following twelve (12) conditions:

1. That a minimum of twenty-two (22) off-street parking spaces continue to be maintained to serve park uses and the parking area continue to be kept in a dust free manner;
2. That this Conditional Use Permit be reviewed if any additional uses or structures are added to the subject property, to ensure that adequate parking is maintained and the applicant must notify the Planning Department prior to any work being done;
3. That the park hours be between 6:00 a.m. and 11 p.m.;
4. That a Removal Permit be obtained prior to the removal of any existing structure from the subject property;
5. That a 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;
6. That a Construction Permit be obtained prior to engaging in any excavation, clearing, or land disturbance greater than or equal to 10,000 square feet;
7. That the address, 1520 Kings Road, be continually posted on the structure next to the swimming pool, so it is clearly visible from both directions of travel along Kings Road in accordance with Pennington County's Ordinance #20;
8. That if the new uses in the park generate greater wastewater flow than the existing septic system is designed to handle, the applicant will be required to either update the existing septic system or install a new septic system. In which case, an approved On-site Wastewater Construction Permit will need to be obtained from the Planning Department prior to the issuance of a Building Permit;
9. That the subject property continues to remain free of debris and junk vehicles;
10. That all structures continue to maintain proper setbacks from property lines, on-site utilities and easements or the applicant obtains approval of the required Variances;
11. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 19-22; and,
12. That this Conditional Use Permit be reviewed 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.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 17-09**: Wesley and Carrie Mentele. To review a Vacation Home Rental on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 6, Melchert Ranch Subdivision, Section 15, T2N, R3E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 17-09 with the following seventeen (17) conditions:

1. **That the maximum overnight occupancy, based on 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 if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
3. **That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
4. **That the 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 applicants 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 the applicants maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;**
7. **That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
8. **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;**
9. **That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 listed as contact for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;**

10. That the lot address continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Melchert Place, in accordance with Pennington County's Ordinance #20;
11. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Glenda Robertson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. 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;
14. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area on the subject property;
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 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 three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CUR 19-21:** Terry and Cynthia Stock. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4R, Block D, Edelweiss Mountain Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit Review / CUR 19-21, as the Conditional Use Permit was not transferred under Section 319(C)(5).

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CUR 21-72**: Todd and Rise Waldera. To review a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract A, Rustlers Ranch Addition, Section 8, T1S, R4E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 21-72 with the following seventeen (17) conditions:

1. **That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to 8 people and the maximum daytime occupancy be limited to 16 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 any addition is constructed on the 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 applicants 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 21-72, be subject to PCZO § 511(P), which imposes a \$100 fee per review;**
7. **That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
8. **That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
9. **That a minimum of 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 updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1, contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
11. That the lot address (23686 Newton Fork Road) be posted on the residence at all times and at the driveway where it intersects Newton Fork Road, in accordance with Pennington County's Ordinance #20 and the comment from the Emergency Services (911);
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Lee Ann McDonald, 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 the applicants adhere to the comments and stipulations from the U.S. Forest Service;
16. 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,
17. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

10. **MAJOR PLANNED UNIT DEVELOPMENT OVERLAY AMENDMENT REVIEW / PUR 19-09:** Donna Hartshorn. To review an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the January 22, 2024, Planning Commission meeting.)

To recommend to continue Major Planned Unit Development Overlay Amendment Review / PUR 19-09 to the May 13, 2024, Planning Commission meeting, as the City of Rapid City is working with the applicant on repairs to the on-site wastewater treatment systems. The applicant is also working on updating the Wildland Fire Permit and obtaining a Sign Permit

Vote: unanimous 7 to 0.

- 11. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PUR 23-01: John and Emily Rowe. To review a Planned Unit Development Overlay for a Specialty Resort in accordance with the Pennington County Zoning Ordinance.**

PT Ray Smith Placer MS 995 S of Highway of Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of Planned Unit Development Overlay Review / PUR 23-01 with the following twenty-seven (27) conditions:

- 1. That the approved uses of the Specialty Resort include: 5 cabin rentals, 4 camp sites, 3 primitive camp sites, caretaker's residence, horse boarding and a family reunion/wedding venue;**
- 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 daily and event operations be conducted by owners, on-site manager, and local contact as necessary;**
- 4. That all-natural drainage paths be continually maintained;**
- 5. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;**
- 6. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;**
- 7. That prior to operation, the access road be named and all addresses changed to reflect the new road name be posted on each structure so they are visible from the newly named road;**
- 8. That each rental cabin and camp site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite;**
- 9. 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;**

10. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310;
11. That quiet hours in the Specialty Resort be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That any Cabin Rental within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for a Cabin Rental, with a minimum of at least 1 smoke detector per floor;
15. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
16. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Cabin Rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any Cabin Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. 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 adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
20. That setbacks for all structures shall comply with those required in an Agriculture District;
21. That building plans for the wedding venue be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
22. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay;
23. That each non-primitive site be equipped with electrical hookups and water and sewer hookups;

24. That all OSWTS obtain approval from Pennington County and the SD DANR and that all wastewater systems adhere to the PCZO §204J;
25. That the applicants obtain an approved Approach Permit from the County Highway Department;
26. That the applicants follow PCZO §322 for special animal keeping; and,
27. That this Planned Unit Development Overlay be reviewed in 1 year, 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

6. CONDITIONAL USE PERMIT REVIEW / CUR 18-18: Reel Simple, LLC / Randy Dowdy. To review a rental home park to include seven (7) existing mobile home rental units and to allow an additional seven (7) rental units, which will include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

W1/2W1/2SE1/4SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested this item be removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit Review / CUR 18-18 with sixteen (16) conditions.

Discussion followed.

Moved by Lewis and seconded by Burton to approve of Conditional Use Permit Review / CUR 18-18 with the following sixteen (16) conditions:

1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor's homes, and one (1) residence to be used as the caretaker/manager's residence;
2. That the rental home park continually has a caretaker or manager's residence on-site and it be appropriately identified as such;

3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;
4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;
6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;
7. That the entire water system must be fully operational by the time the 10th Building Permit for a mobile home is submitted prior to the issuance of a Building Permit;
8. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;
9. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
10. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
11. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);
12. That the property remains free of debris and junk vehicles and all structures be well-maintained;
13. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

14. That an approved Building Permit be obtained for each new residence prior to construction and for any structure(s) exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
15. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property; and,
16. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT REVIEW / CUR 21-68: Delbert and Yvette Haskell. To review an existing single-family residence to be used as a Bed and Breakfast in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

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

Commissioner Lewis requested this item be removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit Review / CUR 21-68 with nineteen (19) conditions.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve of Conditional Use Permit Review / CUR 21-68 with the following nineteen (19) conditions.

1. That the maximum overnight occupancy for the Bed and Breakfast be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per an approval letter from South Dakota Department of Agriculture and Natural Resources (DANR) approval;
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;
3. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants want to increase the maximum occupancy 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 applicants provide family-style breakfast for guests at the Bed and Breakfast;

5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
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 be kept on file at the Planning Department;
9. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310;
10. That if the applicants want to post an exterior sign, the said sign shall meet the requirements of PCZO §§323-B-3-b and 312;
11. That an interior informational sign shall be posted in the Bed and Breakfast for all guests, including but not limited to information of the Pennington County Sheriff and closest Fire Department, parking, quiet hours, in accordance with the requirements of PCZO § 323-B-3-d;
12. That the property address (23276 Clear Creek Road) be posted on the residence at all times and at the driveway where it intersects Clear Creek Road, in accordance with Pennington County's Ordinance #20;
13. That the building in which the Bed and Breakfast is located, continues to be owner occupied with the Pennington County Department of Equalization;
14. That the applicants ensure the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
15. That if the person designated as the Local Contact is ever changed from Delbert Haskell, 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;
16. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;
17. That the applicants adhere to the attached comments from the U.S. Forest Service;

18. 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,
19. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

12. CONDITIONAL USE PERMIT / COCU 24-0004: Brooks Joneson. To live in an existing double-wide mobile home, while building a residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 8, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit /COCU 24-0004 with the following nine (9) 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, 24055 Knotty Pine Court, is clearly posted on the mobile home;
3. That the address, 24055 Knotty Pine Court, be clearly posted on the future single-family residence once it is habitable and where the driveway meets Knotty Pine Court, in accordance with Pennington County's Ordinance #20;
4. That the subject property not contain more than one (1) occupied residential structure (i.e. single-family residence or mobile home);
5. That the applicant obtains a Removal Permit for the existing mobile home once the single-family residence is habitable;
6. That a Building Permit for the proposed single-family residence and an On-site Wastewater Treatment System Permit be applied for within six months of approval of this CUP;
7. That the minimum setback requirements of Agriculture District be continually maintained on the property;
8. That the subject property remains free of debris and junk vehicles; and,

9. 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 McGregor and seconded by Coleman to approve of Conditional Use Permit /COCU 24-0004 with the following nine (9) 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, 24055 Knotty Pine Court, is clearly posted on the mobile home;
3. That the address, 24055 Knotty Pine Court, be clearly posted on the future single-family residence once it is habitable and where the driveway meets Knotty Pine Court, in accordance with Pennington County's Ordinance #20;
4. That the subject property not contain more than one (1) occupied residential structure (i.e. single-family residence or mobile home);
5. That the applicant obtains a Removal Permit for the existing mobile home once the single-family residence is habitable;
6. That a Building Permit for the proposed single-family residence and an On-site Wastewater Treatment System Permit be applied for within six months of approval of this CUP;
7. That the minimum setback requirements of Agriculture District be continually maintained on the property;
8. That the subject property remains free of debris and junk vehicles; and,
9. 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 7 to 0.

Moved by Lewis and seconded by Hadcock to wave rules to discuss similar Agenda Items #13 and #14 at the same time and to vote on each item separately. All voting aye, the Motion carried 7 to 0.

13. COMPREHENSIVE PLAN AMENDMENT / COCA 24-0001: Charles and Jenny Hanson. To amend Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Commencing at Corner #4 of MS 2072 Plainview Lode located in the NW1/4 of the NW1/4 of Section 31, Township 1 South, Range 6 East of the Black Hills Meridian, which is the POINT OF BEGINNING, Thence S 44° 47' 31" E - a distance of 447.81 feet to Point No. 1 which is the TRUE POINT OF BEGINNING; Thence S 44° 47' 31" E - a distance of 353.49 feet to Point No. 2; Thence N 11° 43' 03" E - a distance of 611.04 feet to Point No. 3; Thence northwesterly along a curve with a Chord Bearing of N 87° 51' 20" E, a Chord distance of 239.49 feet, a Radius of 458.24 feet, and a curve length of 242.30 feet to Point No 4; Thence S 20° 34' 48" W - a distance of 380.70 feet to Point No 1; which is the TRUE POINT OF BEGINNING; located in MS 2072 Plainview Lode, containing 3.00 Acres "more or less", located in the NW1/4 of NW1/4 of Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 12, 2024, Planning Commission meeting.)

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

Staff recommended approval of Comprehensive Plan Amendment / COCA 24-0001.

Discussion followed.

Moved by Kuehn and seconded by McGregor to approve of Comprehensive Plan Amendment / COCA 24-0001.

All voting, the Motion carried 6 to 1. Commissioner Burton voted no.

14. REZONE / CORZ 24-0001: Charles and Jenny Hanson. To rezone 3 acres from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Commencing at Corner #4 of MS 2072 Plainview Lode located in the NW1/4 of the NW1/4 of Section 31, Township 1 South, Range 6 East of the Black Hills Meridian, which is the POINT OF BEGINNING, Thence S 44° 47' 31" E - a distance of 447.81 feet to Point No. 1 which is the TRUE POINT OF BEGINNING; Thence S 44° 47' 31" E - a distance of 353.49 feet to Point No. 2; Thence N 11° 43' 03" E - a distance of 611.04 feet to Point No. 3; Thence northwesterly along a curve with a Chord Bearing of N 87° 51' 20" E, a Chord distance of 239.49 feet, a Radius of 458.24 feet, and a curve length of 242.30 feet to Point No 4; Thence S 20° 34' 48" W - a distance of 380.70 feet to Point No 1; which is the TRUE POINT OF BEGINNING; located in MS 2072 Plainview Lode, containing 3.00 Acres "more or less", located in the NW1/4 of NW1/4 of Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 12, 2024, Planning Commission meeting.)

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 3 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / CORZ 24-0001.

Discussion followed.

Moved by McGregor and seconded by Coleman to approve of Rezone / CORZ 24-0001.

All voting, the Motion carried 6 to 1. Commissioner Burton voted no.

15. VACATION OF PLAT / COVP 24-0003: Tanner Engle and Abby Carlson. To vacate notes on the plat of Lot 3, Block 2, Mountain Meadows Subdivision, Sections 8 and 17, T2S, R7E, BHM.

Lot 3, Block 2, Mountain Meadows Subdivision, Sections 8 and 17, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate notes on the existing plat of Lot 3, Block 2, Mountain Meadows Subdivision.

Staff recommended approval of Vacation of Plat / COVP24-0003 with the following two (2) conditions:

1. That notes #7, #9, #13, and #14 be vacated for only Lot 3, Block 2, of Mountain Meadows Subdivision; and,
2. That all necessary resolutions for Vacation of Plat / COVP24-0003 be recorded by the applicant at the Register of Deeds office.

Discussion followed.

Moved by McGregor and seconded by Coleman to approve of Vacation of Plat / COVP24-0003 with the following two (2) conditions:

1. **That notes #7, #9, #13, and #14 be vacated for only Lot 3, Block 2, of Mountain Meadows Subdivision; and,**
2. **That all necessary resolutions for Vacation of Plat / COVP24-0003 be recorded by the applicant at the Register of Deeds office.**

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT / COCU 24-0005: Dan and Joan Pomerence; Wade Reynolds – Agent. To allow a multiple-family dwelling on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SW1/4SE1/4NE1/4, Section 5, T2S, R9E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a multi-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0005 with the following seven (7) 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 a minimum of 4 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;
3. That the applicant adheres to the requirement of PCZO § 303;
4. That the minimum setback requirements of Agriculture District be continually maintained on the property;
5. That addresses be assigned to the multi-family dwelling unit and be posted on the structure and at the end of driveway where it intersects the access road, in accordance with Pennington County Ordinance #20;
6. That the applicant obtain an Approach Permit prior to applying for a Building Permit; and,
7. That this Conditional Use Permit be reviewed in six (6) months, 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 Burton to continue Conditional Use Permit / COCU 24-0005 to the March 11, 2024, Planning Commission meeting.

SUBSTITUTE MOTION: Moved by Burton and seconded by Hadcock to continue Conditional Use Permit / COCU 24-0005 to the March 25, 2024, Planning Commission meeting to address concerns of the Planning Commission.

All voting, the Motion carried 5 to 2. Commissioners Kuehn and Lewis voted no.

17. CONDITIONAL USE PERMIT / COCU 24-0003: Sam Crittenden. To allow a contractor's equipment storage yard on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

The S1/2SW1/4, SE1/4, Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 12, 2024, Planning Commission meeting.)

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a contractor's equipment storage yard on the subject property.

Staff recommended denial of Conditional Use Permit / COCU 24-0003, as the requested use is better suited in an Industrial Zoning District.

Discussion followed.

Commissioner McGregor left the meeting at 10:35 a.m.

Commissioner McGregor returned to the meeting at 10:36 a.m.

Commissioner Burton left the meeting at 10:38 a.m.

Commissioner Burton returned to the meeting at 10:41 a.m.

Moved by McGregor and seconded by Coleman to continue Conditional Use Permit / COCU 24-0003 to the March 11, 2024, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

16. RECONSIDERATION OF CONDITIONAL USE PERMIT / COCU 24-0005: Dan and Joan Pomerence; Wade Reynolds – Agent. To allow a multiple-family dwelling on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SW1/4SE1/4NE1/4, Section 5, T2S, R9E, BHM, Pennington County, South Dakota.

Moved by Hadcock and seconded by Burton to reconsider Conditional Use Permit / COCU 24-0005 to discuss changing the continuation date. All voting aye, the Motion carried 7 to 0.

Discussion followed.

Moved by Hadcock and seconded by Burton to continue Conditional Use Permit / COCU 24-0005 to the March 11, 2024, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 12, 2024, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

There were no items from the Staff.

21. ITEMS FROM THE MEMBERSHIP

Commissioner Burton stated he would not be in attendance for the March 25th Planning Commission meeting.

Chairman Johnson spoke of Executive Sessions at Planning Commission meetings.

22. ADJOURNMENT

Moved by Burton and seconded by McGregor to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:15 a.m.

Charlie Johnson, Chairperson