

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 8, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Kathy Johnson, Sande Runde, and Lloyd LaCroix.

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 22, 2021, MINUTES

Moved by McGregor and seconded by C. Johnson to approve the Minutes of the February 22, 2021, Planning Commission meeting, with a correction to Item #7 (Condition #4 – To include the language “including applicable property markers.”) Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA

Moved by K. Johnson and seconded by Runde to approve the Agenda of the March 8, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by C. Johnson and seconded by McGregor to approve the Consent Agenda of the March 8, 2021, Planning Commission meeting, with the removal of Items #5 and #6. Vote: unanimous 6 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, 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 14-07: Josh Bruning. To review an illuminated, on-premise sign within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 1 less Lot 1 of Lot C of Lot 1 and less right-of-way, Rohrer Subdivision, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 14-07 with the applicant's concurrence.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-38**: Daniel Johnson, Highmark Properties, LLC. To review a Specialty Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-38 with the following fifteen (15) conditions:

1. **That the maximum overnight occupancy for the Specialty Resort be limited to ten (10) people (total includes both units);**
2. **That an approved FLPMA Private Road Easement be maintained at all times with the United States Forest Service;**
3. **That the applicant provides a cell phone booster for the Specialty Resort to ensure that adequate cell phone service is available, in case of an emergency;**
4. **That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
5. **That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
6. **That the applicant continually maintains current licenses with the South Dakota Department of Health (Specialty Resort License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
7. **That the applicant continually 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;**
8. **That a minimum of four (4) off-street parking spaces continue to be provided on-site 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 be posted on each level of the structure with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Specialty Resort. 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 be posted for each unit on the Specialty Resort at all times, at the split in the driveway, and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:05, which regulates Specialty Resorts;
12. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
13. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. 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 5 to 0.

END OF CONSENT AGENDA

5. MINOR PLAT / MPL 21-08: David Spear; Fisk Land Surveying – Agent. To subdivide and create Lots 1 and 2 of Grindstone Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Lots 1 and 2, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Grindstone Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda to discuss removing Condition #1 of the Conditions of Approval.

Staff recommended approval of Minor Plat / MPL 21-08 with the following six (6) conditions.

1. That prior to filing the mylar with the Register of Deeds, the Plat heading be corrected per Register of Deeds comments. (Formerly needs to say Tract instead of Lot before 78);
2. 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;
3. That prior to filing the mylar with the Register of Deeds, 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 requirements that are not met;
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; and,
6. 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, including the requirement to obtain an Operating Permit.

Discussion followed.

Moved by C. Johnson and seconded by McGregor to approve with the following five (5) 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 Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
- 3. 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;**
- 4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 5. 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, including the requirement to obtain an Operating Permit.**

All voting aye, the Motion carried 6 to 0.

6. MINOR PLAT / MPL 21-09: Cory Brown; Fisk Land Surveying – Agent. To create Tracts 17R and 78R of Rushmore Ranch Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 17 and Tract 78 of Rushmore Ranch Estates, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 17R and Tract 78R of Rushmore Ranch Estates, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Tracts 17R and 78R of Rushmore Ranch Estates Subdivision.

Staff recommended approval of Minor Plat / MPL 21-09 with the following six (6) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Plat heading be corrected per Register of Deeds comments. (Formerly needs to say Tract instead of Lot before 78);
2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That prior to filing the mylar with the Register of Deeds, 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 requirements that are not met;
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; and,
6. 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, including the requirement to obtain an Operating Permit.

Discussion followed.

Moved by Runde and seconded by C. Johnson to approve of Minor Plat / MPL 21-09 with the following six (6) conditions:

1. **That prior to filing the mylar with the Register of Deeds, the Plat heading be corrected per Register of Deeds comments. (Formerly needs to say Tract instead of Lot before 78);**
2. **That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
3. **That prior to filing the mylar with the Register of Deeds, 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 requirements that are not met;**
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; and,**
6. **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, including the requirement to obtain an Operating Permit.**

All voting aye, the Motion carried 6 to 0.

7. LAYOUT PLAN / LPL 21-07: Davis Homestead Reserve; David Stone – Agent. To create Lot B of Guy Davis Homestead in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 1 (also in Section 14) of Guy Davis Homestead and S12NE1/4; GL 2-4 Less Lot A of GL 4; SE1/4 all located in Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot B of Guy Davis Homestead, Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to Lot B of Guy Davis Homestead.

Staff recommended approval of Layout Plan / LPL 21-07 with the following twelve (12) conditions:

1. That prior to Preliminary Plat submittal, the applicant identifies the locations of all existing structures on the subject properties and verifies compliance with the Pennington County Zoning Ordinance;

2. That prior to Preliminary Plat submittal, the applicant identifies any existing means of wastewater disposal on the subject properties and verifies compliance with the Pennington County Zoning Ordinance;
3. That at the time of Preliminary Plat submittal, the Certifications on the Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That at the time of Preliminary Plat submittal, the Plat heading be corrected from “Homested” to “Homestead”;
5. That at the time of Preliminary Plat submittal, a legal means of access (easements or rights-of-way) to proposed Lot B be identified on the plat, per Highway Department comments contained in this report;
6. That at the time of Preliminary Plat submittal, the remaining balances of each affected parcel be noted on the Plat, per Department of Equalization comments contained in this report;
7. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That at the time of Preliminary 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;
9. That at the time of Preliminary Plat submittal, the applicant provides percolation tests and soil profile hole information for proposed Lot B or obtain an approved Subdivision Regulations Variance to waive these requirements;
10. That prior to the mylar being filed at Register of Deeds, the applicant obtains either an approved Rezone or Lot Size Variance for the proposed Lot B;
11. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
12. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Move by K. Johnson and seconded by Runde to approve of Layout Plan / LPL 21-07 with the following twelve (12) conditions:

1. **That prior to Preliminary Plat submittal, the applicant identifies the locations of all existing structures on the subject properties and verifies compliance with the Pennington County Zoning Ordinance;**

2. That prior to Preliminary Plat submittal, the applicant identifies any existing means of wastewater disposal on the subject properties and verifies compliance with the Pennington County Zoning Ordinance;
3. That at the time of Preliminary Plat submittal, the Certifications on the Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That at the time of Preliminary Plat submittal, the Plat heading be corrected from “Homested” to “Homestead”;
5. That at the time of Preliminary Plat submittal, a legal means of access (easements or rights-of-way) to proposed Lot B be identified on the plat, per Highway Department comments contained in this report;
6. That at the time of Preliminary Plat submittal, the remaining balances of each affected parcel be noted on the Plat, per Department of Equalization comments contained in this report;
7. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That at the time of Preliminary 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;
9. That at the time of Preliminary Plat submittal, the applicant provides percolation tests and soil profile hole information for proposed Lot B or obtain an approved Subdivision Regulations Variance to waive these requirements;
10. That prior to the mylar being filed at Register of Deeds, the applicant obtains either an approved Rezone or Lot Size Variance for the proposed Lot B;
11. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
12. 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 6 to 0.

8. CONDITIONAL USE PERMIT / CU 21-06: Clyde and Dianne Graumann. To allow a garage prior to a principle structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6, Carlin Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a garage prior to a principle structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-06 with the following nine (9) conditions:

- 1 That an approved Building Permit be obtained for the proposed garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
- 2 That an address be assigned for the proposed garage and properly posted on the structure and at the approach off of Carlin Street in accordance with Penning County Ordinance #20;
- 3 That the proposed garage be used for personal use only, no commercial-type use is allowed;
4. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the property be kept free of junk and debris;
6. That all the natural drainage paths be maintained;
7. 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;
8. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by C. Johnson and seconded by McGregor to approve of Conditional Use Permit / CU 21-06 with the following nine (9) conditions:

- 1 That an approved Building Permit be obtained for the proposed garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**

2. That an address be assigned for the proposed garage and properly posted on the structure and at the approach off of Carlin Street in accordance with Penning County Ordinance #20;
3. That the proposed garage be used for personal use only, no commercial-type use is allowed;
4. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the property be kept free of junk and debris;
6. That all the natural drainage paths be maintained;
7. 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;
8. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT AMENDMENT / CU 21-07: Robert and Verna Young. To amend an existing Conditional Use Permit to reduce the setback between structures from 10 feet to 6 feet on property located at 4187 and 4199 Elkhorn Lane in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied to amend an existing Conditional Use Permit to reduce the setback between structures from 10 feet to 6 feet on property located at 4187 and 4199 Elkhorn Lane to bring into compliance two exiting carports.

Staff recommended approval of Conditional Use Permit Amendment / CU 21-07 with the following twenty-one (21) conditions:

1. That the mobile home park has a maximum of 41 mobile home spaces with one of the lots acting as the caretaker's or manager's residence;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home;

3. That each mobile home be allowed decks and each mobile home space be allowed accessory structures with the issuance of an approved Building Permit;
4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) continue to be maintained;
5. That a minimum 10-foot separation between accessory structures (e.g. carports, sheds) and mobile homes on adjacent lots continue to be maintained;
6. That a 6-foot separation only applies for a carport on 4187 Elkhorn Lane and a carport on 4199 Elkhorn Lane;
7. That a minimum 42-foot setback be continually maintained from Country Road to ensure adequate Right-of-Way for future improvements on Country Road;
8. That a minimum front yard setback of ten (10) feet be continually maintained from all access roads within the mobile home park;
9. That a minimum rear and side yard setback on all sides of the property of not less than ten (10) feet be continually maintained;
10. That each mobile home space continues to have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than one hundred sixty-two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
11. That a minimum of eleven (11) visitor parking spaces continue to be provided. Each space shall measure a minimum of 9 feet by 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
12. That the first 100 feet of the western interior roadway continue to be continually maintained with a chip seal surface at a minimum of 25-feet in width;
13. That the interior roads be continually maintained in a dust free manner;
14. That a stop sign be continually posted at the east intersection where the looped interior road and Country Road intersect;
15. That all lot addresses continue to be posted property so they are clearly visible from Elkhorn Lane in accordance with Pennington County's Ordinance #20;
16. That a Building Permit (Removal) be obtained for the removal mobile homes on the property;
17. 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;

18. That the mobile home park be provided with an on-site management office;
19. That the property continually remains free of debris and no inoperable or junk vehicles be allowed on the property;
20. That the use of the property continues to be in compliance with all local, state, and federal regulations; and,
21. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.

Discussion followed.

Moved by K. Johnson and seconded by C. Johnson to approve of Conditional Use Permit Amendment / CU 21-07 with the following twenty-one (21) conditions:

- 1. That the mobile home park has a maximum of 41 mobile home spaces with one of the lots acting as the caretaker's or manager's residence;**
- 2. That each mobile home space be allowed one mobile home, manufactured home or modular home;**
- 3. That each mobile home be allowed decks and each mobile home space be allowed accessory structures with the issuance of an approved Building Permit;**
- 4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) continue to be maintained;**
- 5. That a minimum 10-foot separation between accessory structures (e.g. carports, sheds) and mobile homes on adjacent lots continue to be maintained;**
- 6. That a 6-foot separation only applies for a carport on 4187 Elkhorn Lane and a carport on 4199 Elkhorn Lane;**
- 7. That a minimum 42-foot setback be continually maintained from Country Road to ensure adequate Right-of-Way for future improvements on Country Road;**
- 8. That a minimum front yard setback of ten (10) feet be continually maintained from all access roads within the mobile home park;**
- 9. That a minimum rear and side yard setback on all sides of the property of not less than ten (10) feet be continually maintained;**
- 10. That each mobile home space continues to have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than one hundred sixty-two (162) square feet, nor nine (9) feet by eighteen (18) feet,**

surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;

11. That a minimum of eleven (11) visitor parking spaces continue to be provided. Each space shall measure a minimum of 9 feet by 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
12. That the first 100 feet of the western interior roadway continue to be continually maintained with a chip seal surface at a minimum of 25-feet in width;
13. That the interior roads be continually maintained in a dust free manner;
14. That a stop sign be continually posted at the east intersection where the looped interior road and Country Road intersect;
15. That all lot addresses continue to be posted property so they are clearly visible from Elkhorn Lane in accordance with Pennington County's Ordinance #20;
16. That a Building Permit (Removal) be obtained for the removal mobile homes on the property;
17. 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;
18. That the mobile home park be provided with an on-site management office;
19. That the property continually remains free of debris and no inoperable or junk vehicles be allowed on the property;
20. That the use of the property continues to be in compliance with all local, state, and federal regulations; and,
21. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT / CU 21-08 Joseph Wright. To allow a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 11, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-08 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the Sanitary District approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County 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 Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from sanitary district;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 20-11, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department 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 three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 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 (120 Fredrick Lane) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Sunnyside Gulch Road, 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 Joseph Wright, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any 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,
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 LaCroix and seconded by K. Johnson to approve of Conditional Use Permit / CU 21-08 with the following fifteen (15) conditions:

- 1. That the maximum overnight occupancy, based on the Sanitary District approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County 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 Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from sanitary district;**
- 3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 4. That each review of Conditional Use Permit / CU 20-11, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;**
- 5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department 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 three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 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 (120 Fredrick Lane) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Sunnyside Gulch Road, 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 Joseph Wright, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any 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,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

11. VACATION OF PLAT / VP 21-02: Allen and Tamera Schmidt. To vacate notes on Lot 4, Block 1 of Mountain Meadows Subdivision in Section 17, T2S, R7E.

Lot 4, Block 1, Mountain Meadows Subdivision, Section 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 Lot 4, Block 1 of Mountain Meadows Subdivision.

Staff recommended to continue Vacation of Plat / VP 21-02 to the March 22, 2021, Planning Commission meeting to allow the applicant's Subdivision Regulations Variances to be heard before the Board of Commissioners.

Discussion followed.

Moved by C. Johnson and seconded by LaCroix to continue Vacation of Plat / VP 21-02 to the March 22, 2021, Planning Commission meeting to allow the applicant's Subdivision Regulations Variances to be heard before the Board of Commissioners.

All voting aye, the Motion carried 6 to 0.

12. COMPREHENSIVE PLAN AMENDMENT / CA 20-04: David Grover. To amend the Comprehensive Plan to change the Future Land Use from Low Density Residential / Rural Residential District and Open Space District to Ranchette Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Tract B of HES #303 Less Tract Drew and GL Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew and Less ROW, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the January 11, 2021, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Low Density Residential / Rural Residential District and Open Space District to Ranchette Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 20-04.

Commissioner LaCroix left the meeting at 10:27 a.m.

Commissioner LaCroix returned to the meeting at 10:29 a.m.

Discussion followed.

Commissioner Runde left the meeting at 10:31 a.m.

Commissioner Runde returned to the meeting at 10:35 a.m.

Moved by LaCroix and seconded by Runde to approve of Comprehensive Plan Amendment / CA 20-04.

All voting aye, the Motion carried 6 to 0.

13. REZONE / RZ 20-06: David Grover. To rezone 69.84 acres from General Agriculture District to Ranchette Residential District in accordance with Sections 205 and 508 of the Pennington County Zoning Ordinance.

Tract B of HES #303 Less Tract Drew; Tract A of HES #303 Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew, and Less ROW; and GL Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew and Less ROW, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the January 11, 2021, Planning Commission meeting.)

Molitor reviewed the Staff Report to rezone 69.84 acres from General Agriculture District to Ranchette Residential District.

Staff recommended approval of Rezone / RZ 20-06.

Discussion followed.

Moved by LaCroix and seconded by Runde to approve of Rezone / RZ 20-06.

All voting aye, the Motion carried 6 to 0.

14. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-04: Rockerville Gold Town, LLC (Pat Hall). To amend an existing Planned Unit Development to reduce the setback from 25 feet to 5 feet to allow a water treatment structure and pump facility on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

E1/2SE1/4SE1/4 South of Highway 16 Westbound Less ROW; Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to reduce the setback from 25 feet to 5 feet to allow a water treatment structure and pump facility on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 21-04 with the following five (5) conditions:

- 1 That the conditions of approval of PU 19-06 be continually adhered to;
- 2 That the front yard setback be reduced from 25 feet to five (5) feet and only apply to the proposed water treatment and pump building on the subject property;
- 3 That all other structures must maintain the setback requirements or obtain approval of a separate Planned Unit Development Amendment;
- 4 That an address be assigned and posted on the water treatment and pump building in accordance with Pennington County's Ordinance #20; and,

- 5 That this Minor Planned Unit Development be reviewed in one (1) year or on a complaint basis.

Discussion followed.

Moved by Runde and seconded K. Johnson to approve of Minor Planned Unit Development Amendment / PU 21-04 with the following five (5) conditions:

- 1 That the conditions of approval of PU 19-06 be continually adhered to;**
- 2 That the front yard setback be reduced from 25 feet to five (5) feet and only apply to the proposed water treatment and pump building on the subject property;**
- 3 That all other structures must maintain the setback requirements or obtain approval of a separate Planned Unit Development Amendment;**
- 4 That an address be assigned and posted on the water treatment and pump building in accordance with Pennington County's Ordinance #20; and,**
- 5 That this Minor Planned Unit Development be reviewed in one (1) year or on a complaint basis.**

All voting aye, the Motion carried 6 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 22, 2021, Planning Commission meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for February 2021.
- B. Assistant Environmental Planner & Building Inspector – Update. Molitor stated second interviews are being held for the Assistant Environmental Planner and an offer has been made for the Building Inspector position.

18. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

19. ADJOURNMENT

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

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:32 a.m.

Rich Marsh, Chairperson