

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 13, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Jim Coleman, Kevin Kuehn, Mikal Lewis, Kevin Burton, and Gary Drewes.

STAFF PRESENT: Brittney Molitor, Kelsey Rausch, Cody Sack, Megan Talmage, Christine Phillip, Megan Kruger (State's Attorney's Office) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE FEBRUARY 27, 2023, MINUTES
Moved by Burton and seconded by McGregor to approve the Minutes of the February 27, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.
2. APPROVAL OF THE MARCH 8, 2023, MINUTES
Moved by Lewis and seconded by McGregor to approve the Minutes of the March 8, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.
3. APPROVAL OF THE AGENDA
Moved by Burton and seconded by Drewes to approve the Agenda of the March 13, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Kuehn and seconded by Burton to approve the Consent Agenda of the March 13, 2023, 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-04:** Deep Creek Outfitters; Matt Eisenbraun – Agent. To review a home occupation, a gunsmithing business, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

NE1/4, S1/2NW1/4, and SW1/4, Section 9, T4N, R16E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 10-04 to the April 24, 2023, Planning Commission meeting in order for the applicant to obtain a Building Permit.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-28:** Albert and Rita Chapman. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 9-12, Block 3, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 12-28 with the following fifteen (15) conditions:

1. **That the maximum overnight occupancy, based on South Dakota Department Agriculture and Natural Resources (SD DANR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (13);**
2. **That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**
3. **That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;**
4. **That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;**
5. **That each review of Conditional Use Permit / CU 12-28, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;**
6. **That the applicants continually 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 upon request;**
7. **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;**
8. **That a minimum of 2 off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (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 be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, as well as floodplain map per § 319(G)(1)(n);**

10. That the lot address (9307 Saint Joseph St.) be continually posted on the residence at all times and so it is clearly visible, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually 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 Rita Chapman, 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;
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 Sign Permit be obtained prior to the placement of any sign(s);
15. 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;
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.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 12-29:** Albert and Rita Chapman. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lots 5-10, Block 2, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 12-29 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department Agriculture and Natural Resources (SD DANR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (13);

2. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;
4. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
5. That each review of Conditional Use Permit / CU 12-29, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
6. That the applicants continually 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 upon request;
7. 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;
8. That a minimum of 1 off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (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 be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, as well as floodplain map per § 319(G)(1)(n);
10. That the lot address (9209 Saint Joseph St.) be continually posted on the residence at all times and so it is clearly visible, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually 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 Rita Chapman, 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;

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 Sign Permit be obtained prior to the placement of any sign(s);
15. 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;
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.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-29:** Jim or Mary Scull. To review a cabin to be used as a ranch hand's residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

S1/2NE1/4; E1/2SE1/4, Section 9, T2S, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 15-29 with the following four (4) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the residence continues to be occupied by a ranch hand or continues to be used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
3. That the address (12090 White Horse Road for the primary residence and 12095 White Horse Road for the ranch hand's residence) continue to be clearly posted on each residence, at the approach (driveway), so as to be visible from both directions of travel on White Horse Road, in accordance with Pennington County's Ordinance #20;
4. That the minimum setback requirements of an Agriculture District be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit; and,
5. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 21-71**: Greg Helgeson. To review living in a 12' x 56' trailer, while building living quarters in the existing shop building in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

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

To continue the review of Conditional Use Permit / CU 21-71 to the April 24, 2023, Planning Commission meeting in order for the applicant to obtain a Building Permit.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 22-48**: Argyle Properties, LLC; Anita Lee. To review a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 5, Baumgartner Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-48 with the following sixteen (16) conditions:

1. **That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR), be limited to eight people and the maximum daytime occupancy be limited to twelve 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 SD DANR;**
3. **That the guest(s) receive permission from the local contact to utilize the fire pit, and all fire restrictions be followed at all times as pertaining to the fire pit;**
4. **That there be no sparklers, fireworks, or other flammable devices on the property;**
5. **That the applicant provide the phone number and/or internet site address providing the current day's fire conditions and restrictions, as pertaining to the use of a fire pit;**
6. **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;**

7. 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;
8. That a minimum of one off-street parking space per bedroom 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;
9. 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;
10. That the lot address (23911 Hidden Valley Trail) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Hidden Valley Trail, in accordance with Pennington County Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from Wayde Walther, 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 Sign Permit be obtained prior to the placement of any sign(s);
15. 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,
16. That this Conditional Use Permit be reviewed in one 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

10. CONDITIONAL USE PERMIT / CU 23-06: Black Hills Church of Christ; Tim Renfro - Agent. To allow an illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot A, Varilek Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

Phillip stated the applicant has applied for a Conditional Use Permit to allow an illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit on the subject property.

Staff recommends approval of Conditional Use Permit / CU 23-06 with the following six (6) conditions:

1. That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
2. That the sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance;
3. That the sign must continually meet a minimum of a five (5) foot setback from the front property line(s) and maintain proper setbacks from all side and rear property lines;
4. That the sign continues to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
5. That the installation of any other sign(s) on the property may require a separate Sign Permit and a separate Conditional Use Permit; and,
6. 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 Drewes and seconded by Lewis to approve of Conditional Use Permit / CU 23-06 with the following six (6) conditions:

- 1. That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;**

2. **That the sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance;**
3. **That the sign must continually meet a minimum of a five (5) foot setback from the front property line(s) and maintain proper setbacks from all side and rear property lines;**
4. **That the sign continues to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
5. **That the installation of any other sign(s) on the property may require a separate Sign Permit and a separate Conditional Use Permit; and,**
6. **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 7 to 0.

11. CONDITIONAL USE PERMIT / CU 23-04: Robert Rees and Colby Rees. To live in a Recreational Vehicle while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

NW1/4NW1/4, Section 24, T1S, R9E, BHM, Pennington County, South Dakota.

(Continued from the February 27, 2023, Planning Commission meeting.)

Rausch stated this item was continued from the February 27, 2023, Planning Commission meeting.

Staff recommended approval of Conditional Use Permit / CU 23-04 with the following fifteen (15) conditions:

1. That there be no more than 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property;
2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
3. That an approved On-site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property;
4. That within 3 months of approval of this Conditional Use Permit, the applicant shall install a new OSWTS and have it inspected and approved by the Pennington County Planning Department;
5. That the applicant cannot occupy the RV until an OSWTS is approved and installed;

6. That the applicant cannot occupy the RV until a Building Permit for the single-family residence has been approved and issued by Pennington County and building construction has begun;
7. That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Dancing Wolf Road, in accordance with Pennington County's Ordinance #20;
8. That the minimum setback requirements of an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
9. That the minimum 58-foot Section Line be maintained on the property;
10. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
12. That the property remains free of debris and junk vehicles;
13. That if the access for the parcel is taken from the Section Line, an Approach Permit must be filed and approved by the Pennington County Highway Department;
14. That the applicant adheres to Pennington County Zoning Ordinance Section 510; 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 Coleman and seconded by Lewis to approve of Conditional Use Permit / CU 23-04 with the following fifteen (15) conditions:

- 1. That there be no more than 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property;**
- 2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;**
- 3. That an approved On-site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property;**
- 4. That within 3 months of approval of this Conditional Use Permit, the applicant shall install a new OSWTS and have it inspected and approved by the Pennington County Planning Department;**

5. That the applicant cannot occupy the RV until an OSWTS is approved and installed;
 6. That the applicant cannot occupy the RV until a Building Permit for the single-family residence has been approved and issued by Pennington County and building construction has begun;
 7. That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Dancing Wolf Road, in accordance with Pennington County's Ordinance #20;
 8. That the minimum setback requirements of an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
 9. That the minimum 58-foot Section Line be maintained on the property;
 10. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
 11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
 12. That the property remains free of debris and junk vehicles;
 13. That if the access for the parcel is taken from the Section Line, an Approach Permit must be filed and approved by the Pennington County Highway Department;
 14. That the applicant adheres to Pennington County Zoning Ordinance Section 510; 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.
12. COMPREHENSIVE PLAN AMENDMENT / CA 23-01: Jamie Gerlach. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Tract C Less Lot H1, Boland Placer Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 27, 2023, 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 Rural Residential District to Low Density Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 23-01.

Discussion followed.

Moved by Kuehn and seconded by Lewis to approve of Comprehensive Plan Amendment / CA 23-01.

All voting, the Motion carried 6 to 1. Commissioners Kuehn, Lewis, Burton, McGregor, Coleman and Johnson voted yes. Commissioner Drewes voted no.

13. REZONE / RZ 23-01: Jamie Gerlach. To rezone from Agriculture District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Tract C Less Lot H1, Boland Placer Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Rezone / RZ 23-01.

Discussion followed.

Moved by McGregor and seconded by Burton to approve of Rezone / RZ 23-01.

All voting aye, the Motion carried 7 to 0.

14. REZONE / RZ 23-02: Marjorie Helgeson; Davis Engineering - Agent. To rezone from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Commencing at the Northeast Corner of Lot 3 of the SE1/4 of the SW1/4 of Section 3, Township 1 South, Range 6 East of the Black Hills Meridian, which is the True Point of Beginning, Point No. 1; Thence N 89°52'30" W - a distance of 139.21 feet to Point No. 2; Thence N 44°04'00" W - a distance of 236.88 feet to Point No. 3; Thence N 11°09'07" E - a distance of 35.51 feet to Point No. 4; Thence S 47°38'07" E - a distance of 49.50 feet to Point No. 5; Thence Southeasterly along a curve with a Chord Bearing of S 68°38'20" E, a Chord distance of 86.02 feet, a Radius of 120.00 feet, and a curve length of 87.98 feet to Point No 6; Thence S 89°38'33" E - a distance of 49.57 feet to Point No. 7; Thence N 75°06'18" E - a distance of 63.08 feet to Point No. 8; Thence S 37°57'31" W - a distance of 80.82 feet to Point No. 9; Thence S 52°10'39" E - a distance of 151.39 feet to the True Point of Beginning, Point No. 1; containing 0.494 acres "more or less", located in the SE1/4 of SW1/4 of Section 3, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 0.494 acre from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 23-02.

Discussion followed.

Moved by Burton and seconded by Coleman to approve of Rezone / RZ 23-02.

All voting aye, the Motion carried 7 to 0.

15. VACATION OF PLAT / VP 23-01: Pete Lien and Sons. To vacate Lot L located in the S1/2SE1/4 and SE1/4SW1/4 of Section 21 and the N1/2NE1/4 and NE1/4NW1/4 of Section 28, all located in T2N, R7E, BHM, Pennington County, South Dakota.

EXISTING LEGAL: SE1/4SE1/4 Including PT Lot 1, Less Lien Industrial Park #2, Less Lot 1, Less Lots H3 and H4 and Less Hwy; Vacated PT of Universal Dr. located Adj to said SE1/4SE1/4, Section 21, T2N, R7E; PT N1/2NE1/4 Including Lot L; PT SE1/4NE1/4 Less Lot H1; PT NE1/4SE1/4 (All E of RR), Section 28, T2N, R7E; That Portion of NW1/4NE1/4 Lying W of RR ROW Including Lot L; E1/2NE1/4NW1/4 Including Lot L, Less Lot F of Cement Plant Addition, Section 28, T2N, R7E; and That Pt of Unplatted Balance Lying S and W of Universal Drive Including Pt of Lot L and Lot AB1 of SW1/4SW1/4, Less SE1/4SE1/4, Less RR ROW; Lot 1 of NW1/4SE1/4 and of NE1/4SW1/4 in Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: SE1/4SE1/4, Less Lien Industrial Park #2, Less Lot 1, Less Lots H3 and H4 and Less Hwy; Vacated PT of Universal Dr. located Adj to said SE1/4SE1/4, Section 21, T2N, R7E; PT N1/2NE1/4; PT SE1/4NE1/4 Less Lot H1; PT NE1/4SE1/4 (All E of RR), Section 28, T2N, R7E; That Portion of NW1/4NE1/4 Lying W of RR ROW; E1/2NE1/4NW1/4, Less Lot F of Cement Plant Addition, Section 28, T2N, R7E; and That Pt of Unplatted Balance Lying S and W of Universal Drive and Lot AB1 of SW1/4SW1/4, Less SE1/4SE1/4, Less RR ROW; Lot 1 of NW1/4SE1/4 and of NE1/4SW1/4 in Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to vacate Lot L on the subject properties.

Staff recommended approval of Vacation of Plat / VP 23-01 with the following one (1) condition:

1. That all necessary resolutions for Vacation of Plat / VP 23-01 be recorded by the applicant at the Register of Deeds' Office.

Discussion followed.

Moved by Kuehn and seconded by Drewes to approve of Vacation of Plat / VP 23-01 with the following one (1) condition:

1. That all necessary resolutions for Vacation of Plat / VP 23-01 be recorded by the applicant at the Register of Deeds' Office.

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT AMENDMENT / CU 15-09: Reno Gulch, LLC; Darren Raines and Zeb Raines. To amend an existing Conditional Use Permit to add two commercial storage units to the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

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

(Continued from the February 27, 2023, Planning Commission meeting.)

Molitor stated this item was continued from the February 27, 2023, Planning Commission meeting.

Staff recommended approval of Conditional Use Permit Amendment / CU 15-09 with the following twelve (12) conditions:

1. That upon issuance of approved Building Permits, 2 additional storage units be allowed on the property;
2. That up to 12 commercial storage units be allowed on the property;
3. That the addition of accessory structures shall be allowed through the issuance of approved Building Permits;
4. That a caretaker's dwelling unit be allowed;
5. That three billboard signs and one business sign currently located on the property be allowed;
6. That loading and unloading zones be provided for all storage units that runs along the units and must have 4 inches of gravel, concrete, or asphalt and maintained in a dust free manner;
7. That any work encompassing over 1 acre will require the applicant to obtain an approved Storm Water Permit from the South Dakota Department of Agriculture and Natural Resources and the Pennington County Planning Department;
8. That any work encompassing over 10,000 square feet, the applicant obtains an approved Storm Water Permit from the Pennington County Planning Department;
9. That a drainage plan be submitted at the time of Building Permit application to verify no additional stormwater runoff will exit the property;
10. That the entrance road be a minimum of 20 feet in width with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
11. That the storage units be used exclusively for storage and not retail business activities; and,

12. That this Conditional Use Permit be reviewed on a complaint basis only.

Discussion followed.

Moved by Coleman and seconded by Burton to approve of Conditional Use Permit Amendment / CU 15-09 with the following twelve (12) conditions:

1. That upon issuance of approved Building Permits, 2 additional storage units be allowed on the property;
2. That up to 12 commercial storage units be allowed on the property;
3. That the addition of accessory structures shall be allowed through the issuance of approved Building Permits;
4. That a caretaker's dwelling unit be allowed;
5. That three billboard signs and one business sign currently located on the property be allowed;
6. That loading and unloading zones be provided for all storage units that runs along the units and must have 4 inches of gravel, concrete, or asphalt and maintained in a dust free manner;
7. That any work encompassing over 1 acre will require the applicant to obtain an approved Storm Water Permit from the South Dakota Department of Agriculture and Natural Resources and the Pennington County Planning Department;
8. That any work encompassing over 10,000 square feet, the applicant obtains an approved Storm Water Permit from the Pennington County Planning Department;
9. That a drainage plan be submitted at the time of Building Permit application to verify no additional stormwater runoff will exit the property;
10. That the entrance road be a minimum of 20 feet in width with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
11. That the storage units be used exclusively for storage and not retail business activities; and,
12. That this Conditional Use Permit be reviewed on a complaint basis only.

All voting, the Motion carried 6 to 1. Commissioners Kuehn, Drewes, Burton, McGregor, Coleman, and Johnson voted yes. Commissioner Lewis voted no.

17. CONDITIONAL USE PERMIT / CU 23-01: Cal SD, LLC / Tina Roberts. To allow a multiple-family dwelling in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot B, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the February 27, 2023, Planning Commission meeting.)

Molitor stated this item was continued from the February 27, 2023, Planning Commission meeting.

Staff recommended approval of Conditional Use Permit / CU 23-01 with the following eight (8) conditions:

1. That within 90 days the applicant submits Building Permit applications for any unpermitted space within the existing multi-family dwelling and pays any associated penalty fees;
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)(l);
3. That the applicant adheres to the requirements of PCZO § 303;
4. That the minimum setback requirements of an Agriculture District be continually maintained on the property;
5. That separate addresses be assigned to each dwelling unit;
6. That the assigned addresses be posted on each dwelling unit and at the end of the driveway where it intersects Clarkson Road, in accordance with Pennington County Ordinance #20;
7. That an approved Building Permit be obtained for any future structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Conditional Use Permit / CU 23-01 with the following eight (8) conditions:

1. That within 90 days the applicant submits Building Permit applications for any unpermitted space within the existing multi-family dwelling and pays any associated penalty fees;
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)(l);
3. That the applicant adheres to the requirements of PCZO § 303;
4. That the minimum setback requirements of an Agriculture District be continually maintained on the property;
5. That separate addresses be assigned to each dwelling unit;
6. That the assigned addresses be posted on each dwelling unit and at the end of the driveway where it intersects Clarkson Road, in accordance with Pennington County Ordinance #20;
7. That an approved Building Permit be obtained for any future structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 4 to 3. Commissioners Kuehn, Drewes, Burton, and McGregor voted yes. Commissioners Lewis, Coleman, and Johnson voted no.

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 27, 2023, meeting.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for February 2023.

21. ITEMS FROM THE MEMBERSHIP

- A. Special PC Meeting – March 29, 2023, at 4 p.m. There will be a Special Planning Commission meeting on Wednesday, March 29th at 4 p.m. to hear a proposed Ordinance Amendment for Section 319 Vacation Home Rental.

22. ADJOURNMENT

Moved by Burton and seconded by McGregor to adjourn. All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:30 a.m.

Charlie Johnson, Chairperson