

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 22, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Jim Coleman, Kathy Johnson, Sandy Runde, and Lloyd LaCroix.

STAFF PRESENT: Brittney Molitor, Chutima Supboon, Cody Sack, Jason Theunissen, Madisen Ransom, Mindy Martinez, Cullen McNeece (SAO).

ROLL CALL

1. APPROVAL OF THE MARCH 8, 2021, MINUTES
Moved by C. Johnson and seconded by Runde to approve the Minutes of the February 22, 2021, Planning Commission meeting, with a request to verify the vote on Item #3. 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 22, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Runde and seconded by Coleman to approve the Consent Agenda of the March 22, 2021, Planning Commission meeting, with the removal of Item #5. 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 99-40:** George Chiolis. To review a manufactured home as a ranch hand residence in a Limited Agriculture District in accordance with Section 206-C-6 of the Pennington County Zoning Ordinance.

The SE1/4 NE1/4, Section 17, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 99-40 to the April 26, 2021. Planning Commission meeting.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 06-33**: Kristina Trautman. To review a Customary Home Occupation, an animal hospital, in a General Agriculture District in accordance with Sections 204 and 510 of the Pennington County Zoning Ordinance.

Lot A, Freeland Subdivision, Section 19, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 06-33 with the following eleven (11) 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 no more than four (4) employees are employed at any given time;**
3. **That the home occupation is conducted entirely within an enclosed structure and no stock in trade be displayed outside the enclosed structure;**
4. **That no alterations to the property or any structure thereon shall indicate that it is being utilized in whole or in part for any purpose other than residential use;**
5. **That a minimum of one (1) business sign be allowed. The sign may either be one (1) wall sign or one (1) free standing sign, and must not exceed six (6) square feet in area;**
6. **That the applicant disposes of the animal waste in a timely manner;**
7. **That a minimum of five (5) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**
8. **That the home occupation be limited to a vet clinic business only. Any expansion beyond this will require the Conditional Use Permit to be reviewed;**
9. **That the daily hours of operation shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays;**
10. **That the number of large animals be limited to 10 at any one time; and,**
11. **That this Conditional Use Permit be reviewed in five (5) years or on a complaint basis to ensure that all conditions are being met.**

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-31:** Black Hills Raptor Center. To review a bird education and health facility on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

S800 feet of E350 feet of NE1/4SE1/4 less Right-of-Way, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-31 with the following fifteen (15) conditions:

1. **That the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;**
2. **That prior to the approval of any Building Permit(s), the applicant obtains written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;**
3. **That prior to the approval of a Building Permit, the applicant meets with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for this Conditional Use Permit;**
4. **That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed a total of 3,000 square feet); Semi-heated mews (not to exceed a total of 1,120 square feet); Unheated mews (not to exceed a total of 1,120 square feet); Storage and hallway to exterior of mews (not to exceed a total of 840 square feet); Cold storage (not to exceed a total of 1,000 square feet); Heated Storage / workshop (not to exceed a total of 500 square feet); Three (3) Rehab pods (not to exceed a total of 1,600 square feet total); Pole Barn used for flights (not to exceed a total of 6,000 square feet); Residence (not to exceed 1300 square feet); Garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;**
5. **That during the construction, the applicant adheres the requirements of Section 507 of the Pennington County Zoning Ordinance;**
6. **That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;**

7. That the applicant obtains an approval letter from the South Dakota Department of Environment and Natural Resources for the On-Site Wastewater Treatment System (OSWTS) prior applying for an OSWTS Construction Permit;
8. That an approved OSWTS Construction Permit be obtained prior to the installation of any OSWTS on the property;
9. That the applicant adheres to all necessary local, state, and federal regulations and maintains the necessary permits to conduct the organization's activities;
10. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;
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 Section 312 of the Pennington County Zoning Ordinance;
12. That a minimum of twenty-eight (28) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;
13. 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;
14. That the applicant adheres to Section 510 of the Pennington County Zoning Ordinance; and,
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 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To review an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the April 27, 2020, Planning Commission meeting.)

To end Conditional Use Permit / CU 18-10, as it is no longer needed.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-42:** Keith and Sandra Lockner. To allow for a Home Occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 11, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-42 with the following thirteen (13) conditions:

1. **That an approved Building Permit be obtained 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;**
2. **That if a new system or alterations to the current system is required, all rules of Pennington County Zoning Ordinance Section 204-(J) be met and the system be approved by DENR, Pennington County, and the EPA, is necessary;**
3. **That hours of operation be from 8:00 a.m. to 5:00 p.m. Monday through Friday;**
4. **That no additional employees be allowed beyond the applicant, Sandra Lockner;**
5. **That no more than 8 clients are allowed each day;**
6. **That no off-premise signs be allowed;**
7. **That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;**
8. **That there be a minimum of two (2) off street parking spaces available at all times;**
9. **That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;**
10. **That the property remain free of debris and junk vehicles;**

11. That the address (6830 Green Drive) be continually posted on the residence so that it is visible from Green Drive, in accordance with Pennington County's Ordinance #20;
12. That if any sale or transfer of the subject property from the current owner(s) of record occur, that this CUP for a home occupation automatically end; and,
13. That Conditional Use Permit / CU 18-42 be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 20-02:** Sonquist, LLC; Rob Hammerquist. To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot H, Sonquist Acres Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-02 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Zoning Ordinance Section 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 DENR;
3. 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;
4. That each review of Conditional Use Permit / CU 20-02, be subject to PCZO Section 511(F)(3), which imposes 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 upon request;

6. 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;
7. That a minimum of two (2) 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 (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, 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;
9. That the lot address (13049 Sonquist Lane) be posted on the residence at all times and is clearly visible from Sonquist Lane, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure 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 Rob Hammerquist, 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 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 an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; and;
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning

Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

5. CONDITIONAL USE PERMIT REVIEW / CU 15-28: Michael and Erika Radtke; Nadine Radtke - Owner. To review a single-wide mobile home to be used as a ranch hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT of S1/2SE1/4 lying South of Highway less right-of-way and less Tract A, Wiese Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the October 26, 2020, Planning Commission meeting.)

The applicant requested the Item be removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 15-28 with the following six (6) conditions:

1. That the use of the single-wide mobile home as a ranch hand's residence has been established, per Section 510(E)(1)(a) of the Pennington County Zoning Ordinance, Conditional Use Permit / CU 15-28 will automatically expire if the use ceases for a year or more;
2. 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;
3. That the residence continues to be occupied by a ranch hand or used as housing for hired help at all times, and not used as a rental by someone not engaged in the daily operation of the farm or ranch located on the subject property;
4. That the address for the ranch hand's residence continue to be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of a General Agriculture District continue to be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit; and,

6. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by K. Johnson to approve the extension of Conditional Use Permit / CU 15-28 with the following six (6) conditions:

1. That the use of the single-wide mobile home as a ranch hand's residence has been established, per Section 510(E)(1)(a) of the Pennington County Zoning Ordinance, Conditional Use Permit / CU 15-28 will automatically expire if the use ceases for a year or more;
2. 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;
3. That the residence continues to be occupied by a ranch hand or used as housing for hired help at all times, and not used as a rental by someone not engaged in the daily operation of the farm or ranch located on the subject property;
4. That the address for the ranch hand's residence continue to be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of a General Agriculture District continue be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit; and,
6. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT AMENDMENT / CU 85-25: Pamela Resterer. To amend an existing Conditional Use Permit to allow an existing caretaker's residence to remain on the subject property for care of a family member in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance

Lot 6, Hidden Springs Ranchettes, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report stating the applicant has applied to amend an existing Conditional Use Permit to allow an existing caretaker's residence to remain on the subject property for care of a family member.

Staff recommended approval of Conditional Use Permit Amendment / CU 85-25 with the following eight (8) conditions:

1. That two single-wide mobile homes be allowed on the property, one as a caretaker's residence and the other as a permanent single-family residence;
2. That the caretaker's residence be removed from the property when care is no longer required for Kailynn Resterer, or the property be subdivided to create a separate lot for the caretaker's single-wide mobile home to stay on the subject property;
3. That upon each review, the applicant works with Staff to verify care is still required for Kailynn Resterer;
4. That any increase in bedrooms for the caretaker's residence will require the applicant to work with the City of Rapid City regarding the On-Site Wastewater Treatment System;
5. That the applicant may not accumulate more than four unlicensed vehicles on the property, constituting Automobile Wrecking, as defined in Section 103 of the Pennington county Zoning Ordinance;
6. That the construction or placement of structures, including the addition of accessory structures (i.e., garages sheds, etc.), be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
7. That the assigned addresses (22937 and 22939 Hidden Springs Road) be clearly posted on the residences, in accordance with Pennington County Ordinance #20; and,
8. 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.

Discussion followed.

Moved by C. Johnson and seconded by K. Johnson to approve of Conditional Use Amendment / CU 85-25 with the following eight (8) conditions:

- 1. That two single-wide mobile homes be allowed on the property, one as a caretaker's residence and the other as a permanent single-family residence;**

2. That the caretaker's residence be removed from the property when care is no longer required for Kailynn Resterer, or the property be subdivided to create a separate lot for the caretaker's single-wide mobile home to stay on the subject property;
3. That upon each review, the applicant works with Staff to verify care is still required for Kailynn Resterer;
4. That any increase in bedrooms for the caretaker's residence will require the applicant to work with the City of Rapid City regarding the On-Site Wastewater Treatment System;
5. That the applicant may not accumulate more than four unlicensed vehicles on the property, constituting Automobile Wrecking, as defined in Section 103 of the Pennington county Zoning Ordinance;
6. That the construction or placement of structures, including the addition of accessory structures (i.e., garages sheds, etc.), be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
7. That the assigned addresses (22937 and 22939 Hidden Springs Road) be clearly posted on the residences, in accordance with Pennington County Ordinance #20; and,
8. 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.

All voting aye, the Motion carried 6 to 0.

11. CONDITIONAL USE PERMIT / CU 21-09: Michael Fessler. To allow a home occupation on the subject property, a home-based firearms sales/gunsmithing/ firearm manufacturing, in a Low Density Residential District in accordance with Sections 204-C, 207, and 510 of the Pennington County Zoning Ordinance.

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

Sack reviewed the Staff Report stating the applicant has applied for a Conditional Use Permit to allow a home occupation, a home-based firearms sales/gunsmithing/firearm manufacturing, on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-09 with the following twelve (12) conditions:

1. 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;
2. That the gunsmithing and service business shall be operated completely within the existing residence;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, be conducted entirely indoors;
6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Lightning Ridge Road in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
9. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
10. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
11. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
12. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by K. Johnson and seconded by C. Johnson to approve of Conditional Use Permit / CU 21-09, removing Condition #4, with the following eleven (11) conditions:

- 1. 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;**

2. That the gunsmithing and service business shall be operated completely within the existing residence;
3. That no business sign be posted on the property;
4. That the home occupation, including all associated storage, be conducted entirely indoors;
5. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
6. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Lightning Ridge Road in accordance with Pennington County's Ordinance #20;
7. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
8. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
9. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
10. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
11. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

All voting aye, the Motion carried 6 to 0.

12. CONDITIONAL USE PERMIT / CU 21-10: Hadly Eisenbeisz and Kristin Brost. To allow an accessory structure, a shed, prior to a principal structure on the subject property, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Also in Section 25, High #4 Lode MS 1948, Section 36, T2N, R4E, BHM, Pennington County, South Dakota.

Subboon reviewed the Staff Report stating the applicant has applied for a Conditional Use Permit to allow accessory structure, a shed, prior to a principal structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-10 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for the proposed shed 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 shed and properly posted in accordance with Penning County Ordinance #20;
3. That the proposed shed be used for personal use only, no commercial-type use is allowed;
4. That the minimum setback requirements for a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the minimum 58-foot Section Line setbacks be maintained on the property or the appropriate Variance(s) be obtained;
6. 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;
7. 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;
8. That the applicant adheres to 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.

Supboon further noted that staff would like to correct the date under VII. Analysis (C) in the Staff Report to read March 17, 2021.

Discussion followed.

Moved by LaCroix and seconded by Runde to approve of Conditional Use Permit / CU 21-10, adding cold storage to Condition #3 with the corrected date, with the following nine (9) conditions:

- 1. That an approved Building Permit be obtained for the proposed shed 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 shed and properly posted in accordance with Penning County Ordinance #20;
3. That the proposed shed be used for personal use only, as cold storage, no commercial-type use is allowed;
4. That the minimum setback requirements for a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the minimum 58-foot Section Line setbacks be maintained on the property or the appropriate Variance(s) be obtained;
6. 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;
7. 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;
8. That the applicant adheres to 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.

13. CONDITIONAL USE PERMIT / CU 21-11: Travis Crisman; Theodore Crisman - Owner. To allow a 12' x 60' single-wide mobile home on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Also in Section 32 (T1S, R4E), HES 306, Section 5, T2S, R4E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report stating the applicant has applied for a Conditional Use Permit to allow a 12' x 60' single-wide mobile home in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 21-11 with the following nine (9) conditions:

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

2. 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;
3. That separate addresses are assigned for the main residence and the ranch-hand residence and that they be posted both at the approach on Reno Gulch Road and on the individual structures, in accordance with the Pennington County Ordinance #20;
4. That the proposed single-wide mobile home be occupied by a ranch-hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operation of the farm or ranch located on the property;
5. That the minimum setback requirements for a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the proposed single-wide mobile home has a peaked non-reflective type roof, wood or simulated wood-type siding and skirting that is continually maintained, in accordance with Section 304 of the Pennington County Zoning Ordinance;
7. 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;
8. That the applicant adheres to Section 510 of the Pennington County Zoning Ordinance; 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.

Supboon further stated that Staff would like to remove Condition #6 of the Conditions of Approval.

Discussion followed.

Moved by K. Johnson and seconded by Coleman to approve of Conditional Use Permit / CU 21-11, removing Condition #6, with the following eight (8) conditions:

- 1. That an approved Building Permit be obtained for the proposed single-wide mobile prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. 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;**

3. **That separate addresses are assigned for the main residence and the ranch-hand residence and that they be posted both at the approach on Reno Gulch Road and on the individual structures, in accordance with the Pennington County Ordinance #20;**
4. **That the proposed single-wide mobile home be occupied by a ranch-hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operation of the farm or ranch located on the property;**
5. **That the minimum setback requirements for a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**
6. **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;**
7. **That the applicant adheres to Section 510 of the Pennington County Zoning Ordinance; and,**
8. **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.

14. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-05: Philip and Mary Sweeney. To amend an existing Planned Unit Development to live in a Recreational Vehicle while building a single-family residence on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

Supboon reviewed the Staff Report stating the applicant has applied to amend an existing Planned Unit Development to live in a Recreational Vehicle while building a single-family residence on the subject property

Staff recommended approval of Minor Planned Unit Development Amendment / PU 21-05 with the following seven (7) conditions:

1. That the conditions of approval of PU 17-08 be continually adhered to;
2. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the barn and/or single-family residence;

3. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
4. That an approved Building Permit be obtained for the new single-family residence prior to construction;
5. That the minimum 58-foot Section Line Setback be maintained or an appropriate Variance(s) be obtained;
6. 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; and,
7. That this Minor Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Supboon further noted that staff would like to correct VI. Interdepartmental Review (A)(1) in the Staff Report to read "No significant concerns or objections to Minor Planned Unit Development Amendment were received."

Discussion followed.

Commissioner C. Johnson suggested adding the words "not to exceed the Building Permit ending date or extension of Building Permit date" to Condition #2.

Moved by Runde and seconded by K. Johnson to approve Minor Planned Unit Development Amendment / PU 21-05, with additional language to Condition #2, with the following seven (7) conditions:

- 1. That the conditions of approval of PU 17-08 be continually adhered to;**
- 2. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property, not to exceed the Building Permit ending date or extension of Building Permit date, during construction of the barn and/or single-family residence;**
- 3. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
- 4. That an approved Building Permit be obtained for the new single-family residence prior to construction;**
- 5. That the minimum 58-foot Section Line Setback be maintained or an appropriate Variance(s) be obtained;**

6. **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; and,**
7. **That this Minor Planned Unit Development Amendment 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.

15. 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.

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

Sack reviewed the Staff Report indicating the applicants have applied to vacate notes on the plat in order to build.

Staff recommend denial of Vacation of Plat / VP 21-02.

Discussion followed.

Moved by LaCroix and seconded by K. Johnson to approve Vacation of Plat / VP 21-02 to vacate Notes 13 and 14 on plat.

All voting aye, the Motion carried 6 to 0.

Planning Commission recessed from 10:51 a.m. to 11:00 a.m.

16. CONDITIONAL USE PERMIT / CU 21-04: Cole or Renae Foster. To utilize existing living quarters above a garage to allow for a Bed and Breakfast on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance

E200 ft of N947 ft of E1/2SW1/4NE1/4; S373 ft of SE1/4SW1/4NE1/4, Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the February 22, 2021, Planning Commission meeting.)

Sack reviewed the Staff Report indicating the applicant has applied to utilize existing living quarters above a garage to allow for a Bed and Breakfast on the subject property.

Staff recommend approval of Conditional Use Permit / CU 21-04 with the following eighteen (18) conditions:

1. That the maximum overnight occupancy for the Bed and Breakfast and be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per an approval letter from South Dakota Department of Environmental and Natural Resources;
2. That the applicants provide a combination of continental breakfast items (such as donuts, bagels and cream cheese, yogurt, muffins, fruit, juice, coffee, etc.) for guests at the Bed and Breakfast;
3. That the applicants advertise that a continental breakfast will be provided at the Bed and Breakfast;
4. That all applicable Federal, State, and local regulations be adhered to at all times;
5. That the applicants continually maintain all necessary permits from other governing bodies, including, but not limited to, current license with the South Dakota Department of Revenue (Sale Tax License) and the current registration from the South Dakota Department of Health (Bed and Breakfast) and that copies of these licenses be provided to the Planning Department upon request;
6. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
7. That a smoke detector be installed in each sleeping room with the minimum of at least one (1) smoke detector per floor;
8. That the applicants comply with SDCL 34-18-9.1 – 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicants continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be posted inside the Bed and Breakfast and be made available to the Planning Department upon request;
10. That quiet hours for the Bed and Breakfast be between 10:00 p.m. and 8:00 a.m.;
11. That the minimum of three (3) off-street parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
12. 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;

13. That an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
14. That the minimum required setbacks of a Limited Agriculture District be continually maintained on the subject property or approved Setback Variance(s) be obtained;
15. That the addresses for each residence be continually posted on the Bed and Breakfast and the residence at all times, in accordance with Pennington County's Ordinance #20;
16. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
17. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by Runde to approve of Conditional Use Permit / CU 21-04 with the following eighteen (18) conditions:

- 1. That the maximum overnight occupancy for the Bed and Breakfast and be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per an approval letter from South Dakota Department of Environmental and Natural Resources;**
- 2. That the applicants provide a combination of continental breakfast items (such as donuts, bagels and cream cheese, yogurt, muffins, fruit, juice, coffee, etc.) for guests at the Bed and Breakfast;**
- 3. That the applicants advertise that a continental breakfast will be provided at the Bed and Breakfast;**
- 4. That all applicable Federal, State, and local regulations be adhered to at all times;**
- 5. That the applicants continually maintain all necessary permits from other governing bodies, including, but not limited to, current license with the South Dakota Department of Revenue (Sale Tax License) and the current registration from the South Dakota Department of Health (Bed and**

Breakfast) and that copies of these licenses be provided to the Planning Department upon request;

- 6. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;**
- 7. That a smoke detector be installed in each sleeping room with the minimum of at least one (1) smoke detector per floor;**
- 8. That the applicants comply with SDCL 34-18-9.1 – 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;**
- 9. That the applicants continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be posted inside the Bed and Breakfast and be made available to the Planning Department upon request;**
- 10. That quiet hours for the Bed and Breakfast be between 10:00 p.m. and 8:00 a.m.;**
- 11. That the minimum of three (3) off-street parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;**
- 12. 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;**
- 13. That an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;**
- 14. That the minimum required setbacks of a Limited Agriculture District be continually maintained on the subject property or approved Setback Variance(s) be obtained;**
- 15. That the addresses for each residence be continually posted on the Bed and Breakfast and the residence at all times, in accordance with Pennington County's Ordinance #20;**
- 16. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;**
- 17. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,**

18. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting, the Motion carried 5 to 1. Commissioner C. Johnson voted no.

17. LAYOUT PLAN / LPL 21-10: Curtis and Joyce Goehring. To create Lots 1 and 2 of the Mary Jane Lode MS 1944 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (also in Section 5), Mary Jane Lode MS 1944, Section 4, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of the Mary Jane Lode MS 1944, Section 4, T2S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report stating the applicants have applied for a Layout Plan to create Lots 1 and 2 of the Mary Jane Lode MS 1944.

Staff recommended approval of Layout Plan / LPL 21-10 with the following eleven (11) conditions:

1. That once the plat is filed with the Register of Deeds, that the remainder of proposed Lot 2 of Mary Jane Lode MS 1944 located outside of Keystone city limits be annexed into the City of Keystone;
2. That prior to Preliminary Plat submittal, the plat be prepared by a Registered Professional Land Surveyor;
3. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lot 1 of Mary Jane Lode MS 1944;
4. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;
5. 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;
6. 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;
7. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Conditional Use Permit for the storage yard located on proposed Lot 1;

8. That prior to Preliminary Plat submittal, the existing “store yard” be moved out the Section Line Right-of-Way or the Section Line ROW be vacated on proposed Lot 1;
9. That prior to the mylar being filed at Register of Deeds, the address be properly posted on both the residence and at the approach so it is visible in both directions from Harney Street in accordance with Pennington County’s Ordinance #20;
10. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by C. Johnson and seconded by Runde to approve of Layout Plan / LPL 21-21-10 with the following eleven (11) conditions:

- 1. That once the plat is filed with the Register of Deeds, that the remainder of proposed Lot 2 of Mary Jane Lode MS 1944 located outside of Keystone city limits be annexed into the City of Keystone;**
- 2. That prior to Preliminary Plat submittal, the plat be prepared by a Registered Professional Land Surveyor;**
- 3. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lot 1 of Mary Jane Lode MS 1944;**
- 4. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;**
- 5. 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;**
- 6. 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;**
- 7. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Conditional Use Permit for the storage yard located on proposed Lot 1;**

8. That prior to Preliminary Plat submittal, the existing “store yard” be moved out the Section Line Right-of-Way or the Section Line ROW be vacated on proposed Lot 1;
9. That prior to the mylar being filed at Register of Deeds, the address be properly posted on both the residence and at the approach so it is visible in both directions from Harney Street in accordance with Pennington County’s Ordinance #20;
10. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
11. 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.

18. PRELIMINARY PLAT / PPL 21-06: Grandview Land, LLC (Dan Lewis); Gordon Howie. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the February 22, 2021, Planning Commission meeting.)

Molitor stated this item was continued from the February 22, 2021, Planning Commission meeting in order for the applicant’s Subdivision Regulations Variance to be heard.

Staff recommended to continue Preliminary Plat / PPL 21-06 to the April 12, 2021, Planning Commission meeting to allow the applicant’s Subdivision Regulations Variance to be heard by the Board of Adjustment.

Moved by C. Johnson and seconded by K. Johnson to continue Preliminary Plat / PPL 21-06 to the April 12, 2021, Planning Commission meeting to allow the applicant’s Subdivision Regulation Variances to be heard by the Board of Adjustment.

All voting aye, the Motion carried 6 to 0.

19. ORDINANCE AMENDMENT / OA 21-01: Pennington County. To amend the Zoning Ordinance to add Section 323 – Bed and Breakfast Establishments to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to add Section 323 – Bed and Breakfast Establishments to the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 21-01.

Discussion followed.

Moved by LaCroix and seconded by Runde to approve Ordinance Amendment / OA 21-01 with minor changes.

All voting aye, the Motion carried 6 to 0.

20. ORDINANCE AMENDMENT / OA 21-02: Pennington County. To amend the Zoning Ordinance to add Section 324 – Accessory Dwellings to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to add Section 324 – Accessory Dwellings to the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 21-02.

Discussion followed.

Moved by K. Johnson and seconded by Runde to approve Ordinance Amendment / OA 21-02 removing Sections 3(a)(v) and 3(b)(i) and 3(b)(ii).

All voting, the Motion carried 4 to 2. Commissioners C. Johnson and Coleman voted no.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 8, 2021, Planning Commission meeting, and,

Subdivision Regulations Variance / SV 21-03: Grandview Land, LLC (Dan Lewis); Gordon Howie - Agent. To waive the requirement to not construct a second means of ingress/egress, to not submit engineered road plans and to not construct to Ordinance 14 Standards, and to waive the requirement that written authorization is obtained from the local water supplier stating that there is an adequate water supply to serve the proposed subdivision in a Planned Unit Development District, was continued to no later than the April 6, 2021, Board of Adjustment meeting, per the applicant's request.

22. ITEMS FROM THE PUBLIC

Ron Rossknecht voiced his appreciation for what the Planning Commission does.

23. ITEMS FROM THE STAFF

A. Planning Department New Employees. Molitor spoke of new Planning Department employees, Madisen Ransom and Mindy Martinez.

24. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

25. ADJOURNMENT

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

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 12:39 p.m.

Rich Marsh, Chairperson