

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

April 12, 2021 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Jim Coleman, Karen McGregor, Sandy Runde, and Ron Rossknecht.

STAFF PRESENT: Brittney Molitor, Chutima Supboon, Jason Theunissen, Madisen Ransom, Mindy Martinez, Dwayne Allen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MARCH 22, 2021, MINUTES
Moved by Runde and seconded by C. Johnson to approve the Minutes of the March 22, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by McGregor to approve the Agenda of the March 22, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by C. Johnson and seconded by Runde to approve the Consent Agenda of the March 22, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 14-09:** Jessie Rieb. To review an existing single-family residence to be used as a second ranchhand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Section less right-of-way; less PT NW1/4NE1/4 and PT N1/2NW1/4, Section 11, T1S, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-09 with the following six (6) conditions:

1. **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;**

2. That both ranch-hand residences continually be occupied by 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;
3. That addresses (14640, 14642, and 14644 Antelope Creek Road) continually be clearly posted on each individual residence and at the approach, so as to be visible from both directions on Antelope Creek Road in accordance with Pennington County's Ordinance #20, and;
4. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property;
5. That if the operation of the farm or ranch on the property is discontinued, the ranch hand is no longer needed, or either ranch-hand residence is used as a rental by someone not engaged in the operation of the farm or ranch, this Conditional Use Permit be reviewed or the property be subdivided; and,
6. That this Conditional Use Permit be reviewed on a complaint basis, or when the property changes ownership, 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 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-10:** MDC Coast 2, LLC; Conrad's Big C Signs – Agent. To review two illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot C of Tract 1, Paul Subdivision, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-10 with the following conditions:

1. That all lighting be installed and 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 signs must continually meet a minimum of a five (5) foot setback from the front property lines;

3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance; and
4. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-07:** Conrad's Signs; Dvorak Real Estate Holdings - Owner. To review an internally, illuminated sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 2A of Lot 2, Strato Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-07 with the following 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 (PCZO);
3. That the sign must continually meet a minimum of a five (5) foot setback from the front property lines and maintain proper setbacks from all side and rear property lines;
4. That the sign be continually 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 on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissions to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 20-10:** Properties by Jenn, LLC; Jennifer Boerger – Agent. To review a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot G of Lot 2, Reno Placer MS 823, Section 2, T2S, R4E, BHM, Pennington County, South Dakota.

(Continued from the December 7, 2020, Planning Commission meeting.)

To approve the extension of Conditional Use Permit / CU 20-10 with the following seventeen (17) conditions:

1. **That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
2. **That any website listing(s) for the Vacation Home Rental continues to state that no more than six (6) overnight occupants are allowed;**
3. **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;**
4. **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;**
5. **That each review of Conditional Use Permit / CU 20-10, be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;**
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 upon request;**
7. **That the applicant continually maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
8. **That a minimum of two (2) off-street parking spaces be provided onsite, 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 (605) 3942151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
10. That the lot address (12273 Reno Gulch Road) continually be posted on the residence at all times and is posted where the driveway intersects Reno Gulch Road, 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 Section 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Jennifer Boerger, this Conditional Use Permit be reviewed, 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 the applicant adheres to PCZO Sections 319 and 540;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
17. That this Conditional Use Permit be reviewed in 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 6 to 0.

END OF CONSENT AGENDA

7. CONDITIONAL USE PERMIT / CU 21-12: Kent Przymus. To allow a camper to be used as temporary living quarters while working on the property and cabin during the spring, summer, and fall; up 180 days per calendar year, in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 4 (also in Section 23), Block 9, Dakota Lode Subdivision, Section 14, T2N, R3E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to be used as temporary living quarters while working on the property and cabin during the spring, summer, and fall; up 180 days per calendar year.

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

1. That only one (1) camper allowed to be utilized as temporary living quarters on the property up to 180 days per calendar year;
2. That the address, 22619 N. Rochford Road, be properly posted in accordance with Pennington County Ordinance #20 so it is clearly visible from both directions of travel along N Rochford Road;
3. That the wastewater from the camper be properly disposed of at all times by utilizing the existing On-Site Wastewater Treatment System on the property;
4. That the cabin and/or the camper not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
5. That the camper no longer be used as a temporary living quarters when the cabin is habitable, following which the camper only be allowed to be stored on the property and disconnected from utilities;
6. That the applicant adheres to the U.S. Forest Service's requirements at all times;
7. That the minimum setback requirements of a Suburban Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the minimum 58-foot Section Line setback be maintained on the property;
9. 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;
10. That the property remains free of debris and junk vehicles;
11. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,

12. 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 Rossknecht and seconded by Runde to approve of Conditional Use Permit / CU 21-12 with the following twelve (12) conditions:

1. That only one (1) camper allowed to be utilized as temporary living quarters on the property up to 180 days per calendar year;
2. That the address, 22619 N. Rochford Road, be properly posted in accordance with Pennington County Ordinance #20 so it is clearly visible from both directions of travel along N Rochford Road;
3. That the wastewater from the camper be properly disposed of at all times by utilizing the existing On-Site Wastewater Treatment System on the property;
4. That the cabin and/or the camper not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
5. That the camper no longer be used as a temporary living quarters when the cabin is habitable, following which the camper only be allowed to be stored on the property and disconnected from utilities;
6. That the applicant adheres to the U.S. Forest Service's requirements at all times;
7. That the minimum setback requirements of a Suburban Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the minimum 58-foot Section Line setback be maintained on the property;
9. 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;
10. That the property remains free of debris and junk vehicles;
11. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
12. 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.

8. REZONE / RZ 21-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 21-03: Rodney and Treva Golz. To rezone 0.89 acre from Low Density Residential to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Suburban Residential District in accordance with Sections 207, 209, and 508 of the Pennington County Zoning Ordinance.

Lots 1 and 2, Block 1, Mountain Park Subdivision, Section 5, T1N, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant applied to rezone 0.89 acre from Low Density Residential to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Suburban Residential District.

Molitor further stated the applicant did not send the notification letters in accordance with Section 508 of the Zoning Ordinance, therefore, no action can be taken on this item. This item will be heard at a later date when all notification requirements have been met.

Discussion followed.

Moved by Rossknecht and seconded by McGregor to continue Rezone / RZ 21-07 and Comprehensive Plan Amendment / CA 21-03 indefinitely and until such time the applicant meets the notification requirements.

All voting aye, the Motion carried 6 to 0.

9. LAYOUT PLAN / LPL 21-13: Betty Johnson. To subdivide and create Lot 1A, Lot 1B, Lot 1C and Lot 1D of Black Metal No. 4 Lode M.S. 1986 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Black Metal #4 Lode MS 1986, Sections 19, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1A, Lot 1B, Lot 1C and Lot 1D of Black Metal No. 4 Lode M.S. 1986, Sections 19, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lot 1A, Lot 1B, Lot 1C and Lot 1D of Black Metal No. 4 Lode M.S. 1986.

Staff recommended approval of Layout Plan / LPL 21-13 with the following seven (7) conditions:

1. That prior to Preliminary Plat submittal, the applicant identifies the locations of all existing structures on the subject property and ensures compliance with the

Pennington County Zoning Ordinance, to include obtaining any necessary Building and On-site Wastewater Treatment System Permits;

2. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. 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;
4. 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;
5. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 1A, Lot 1B, Lot 1C, and Lot 1D, or obtain an approved Subdivision Regulations Variance to waive these requirements
6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Rossknecht and seconded Runde to approve of Layout Plan / LPL 21-13 with the following seven (7) conditions:

- 1. That prior to Preliminary Plat submittal, the applicant identifies the locations of all existing structures on the subject property and ensures compliance with the Pennington County Zoning Ordinance, to include obtaining any necessary Building and On-site Wastewater Treatment System Permits;**
- 2. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 3. 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;**
- 4. 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;

- 5. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 1A, Lot 1B, Lot 1C, and Lot 1D, or obtain an approved Subdivision Regulations Variance to waive these requirements**
- 6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 6 to 0.

10. ORDINANCE AMENDMENT / OA 21-03: Pennington County. To amend Section 204-I “Standards for Manufactured Homes, Modular Homes and Site, or Stick-Built Homes” of the Zoning Ordinance [to amend and supersede the existing Section 204-I “Standards for Manufactured Homes, Modular Homes and Site, or Stick-Built Homes”].

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 204-I “Standards for Manufactured Homes, Modular Homes and Site, or Stick-Built Homes” of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 21-03.

Discussion followed.

Moved by C. Johnson and seconded by McGregor to approve Ordinance Amendment / OA 21-03 with minor changes.

All voting aye, the Motion carried 6 to 0.

11. ORDINANCE AMENDMENT / OA 21-04: Pennington County. To amend Section 304 “Mobile Homes” of the Zoning Ordinance [to amend and supersede the existing Section 304 “Mobile Homes”].

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 304 “Mobile Homes” of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 21-04.

Discussion followed.

Moved by McGregor and seconded by Runde to approve Ordinance Amendment / OA 21-04 with minor changes.

All voting aye, the Motion carried 6 to 0.

12. ORDINANCE AMENDMENT / OA 21-05: Pennington County. To amend Ordinance 106 “Public Nuisance” [to amend and supersede the existing Ordinance 106 “Public Nuisance”].

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Ordinance 106 Public Nuisance.

Staff recommended approval of Ordinance Amendment / OA 21-05.

Discussion followed.

Moved by Runde and seconded by C. Johnson to approve Ordinance Amendment / OA 21-05 with minor changes.

All voting aye, the Motion carried 6 to 0.

13. 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 March 22, 2021, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied 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.

Staff recommended approval of Preliminary Plat / PPL 21-06 with the following eight (8) conditions:

1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That a second means of vehicular ingress or egress is constructed in accordance with Ordinance 14 Standards and the road approved by County Highway an

approved Variance to the Subdivision Regulations be obtained waiving this requirement;

4. That prior to filing the Plat with the Register of Deeds, written authorization is obtained from the local water supplier (i.e. Cedar Gulch No. 2 Water and Sanitary District) that there is an adequate water supply to serve the proposed subdivision or a Variance to the Subdivision Regulations be obtained waiving this requirement;
5. That at the time of Final Plat submittal, the applicant provide engineered construction plans for sewer line improvements for extension of the sewer line to the lagoon system, or an approved Variance to the Subdivision Regulations be obtained waiving this requirement;
6. That no Building Permits will be issued on proposed Lot 2 of Block 2 and Lots 1 and 2 of Block 3 until such time the sewer line is installed and connected to the existing lagoon system;
7. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
8. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

Moved by Rossknecht and seconded by Coleman to deny Preliminary Plat / PPL 21-06.

All voting aye, the Motion carried 6 to 0.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 22, 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 there is adequate water supply to serve the proposed subdivision in a Planned Unit Development District, was denied.

15. ITEMS FROM THE PUBLIC

There were no items from the public.

16. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the March Building Permit Report.

17. ITEMS FROM THE MEMBERSHIP

Commissioners McGregor and Coleman both stated they may have to report for jury duty and will let staff know if they are not able to attend a Planning Commission meeting.

18. ADJOURNMENT

Moved by Coleman and seconded by McGregor to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:40 a.m.

Rich Marsh, Chairperson