

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 13, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Jim Coleman, Mikal Lewis, Kevin Kuehn, and Travis Lasseter.

STAFF PRESENT: Jason Theunissen, Cody Sack, Chutima Supboon, Jeri Ervin and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE MAY 23, 2022, MINUTES
Moved by Johnson and seconded by McGregor to approve the Minutes of the May 23, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by McGregor to approve the Agenda of the June 13, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Lewis and seconded by McGregor to approve the Consent Agenda of the June 13, 2022, 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 14-33:** Todd and Miranda Ruland. To review a single-wide mobile home to be used as a permanent residence in a Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2SE1/4 Less Tract 1 Ruland Ranch Add less Dedicated Right-of-Way, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-33 with the following (8) conditions:

1. **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;**

2. That the lot address continues to be clearly posted, so as to be visible from both directions on 239th Street, in accordance with Pennington County's Ordinance #20;
3. That the subject property continues to remain free of debris and junk vehicles;
4. That the mobile home installed on the property continues to have peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That 2 off-street parking spaces be continually provided on the subject property, in accordance with § 310 of the Pennington County Zoning Ordinance;
7. That the ramp/stairs added by the applicant's in 2015, remain unattached to the SWMH and not anchored to the ground, and if the applicant would like to attach or anchor the ramp/stairs or it is found that the applicant has attached or anchored the ramp/stairs, the applicant obtain a Building Permit, with applicable fees prior to doing so; and,
8. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or County Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-05:** Delmar and Melissa Nelson. To review a Vacation Home Rental on the subject property in a Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 7 of Lot G of Lot 2, Reno Placer MS 823, Section 2, T2S, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-05 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DANR approval, continue to be limited to 4 overnight guest and the maximum daytime occupancy be limited to 8 guests, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That the Vacation Home Rental (VHR) continue to operate only during the months of May through October of each year, unless a Local Contact that resides within 50 miles of the VHR year-round is designated;

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 DANR;
4. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. 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;
6. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of 2 off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
9. That the lot address (12265 Reno Gulch Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Reno Gulch Road, in accordance with Pennington County's Ordinance #20;
10. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Delmar Nelson, 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;
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), per PCZO § 312;
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; and,
15. That this Conditional Use Permit be reviewed in 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.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 21-37:** Todd and Deborah Proctor. To review a Recreational Vehicle to be lived in on the subject property, less than 180 days per calendar year, in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT of Hope Placer, MS 1653 aka NW1/4SW1/4NW1/4, Hope Placer MS 1653, Section 9, T1N, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-37 with the following twelve (12) conditions:

1. That there continue to be no more than 1 Recreational Vehicle (RV) is 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 the RV be pumped and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;
4. That an approved Onsite Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to any installation of an OSWTS on the property;
5. That an address continue to be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Mystic Road, in accordance with Pennington County Ordinance #20;
6. That the minimum setback requirements of Agriculture District continue to be maintained on the subject property, or an approved Setback Variance(s) be obtained;
7. That the minimum 58-foot Section Line setback continue to be maintained on the property;

8. 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;
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 continues to remain free of debris and junk vehicles;
11. That the applicant continues to adhere to Pennington County Zoning Ordinance § 510; and,
12. That this Conditional Use Permit be reviewed in 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.

Vote: unanimous 7 to 0.

6. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-07:** Lloyd and Catherine Marti. To review a garage as an accessory structure prior to a principal structure on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 2, Block 1, Holy Cow Ranch Subdivision #2, Section 25, T1N, R8E, BHM, Pennington County, South Dakota.

To end Minor Planned Unit Development Amendment / PU 19-07.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

7. **ROAD NAMING:** ELS Properties; Rick Schuelke. To name a 66-foot-wide private access easement providing access to property located in Section 18, T2S, R7E, BHM, Pennington County, South Dakota, to Talon Trail.

Sack reviewed the Staff Report indicating the applicant has applied to name a private access easement to Talon Trail.

Staff recommended approval of the Road Name of Talon Trail with the following one (1) condition:

1. That the applicant will be responsible for payment and posting a road name sign, in accordance with the standards set forth by the Pennington County Highway Department.

Discussion followed.

Moved by Coleman and seconded by Kuehn to approve of the Road Naming of Talon Trail with the following one (1) condition:

- 1. That the applicant will be responsible for payment and posting a road name sign, in accordance with the standards set forth by the Pennington County Highway Department.**

All voting aye, the Motion carried 7 to 0.

8. ROAD NAMING: Brian Barber. To name an existing 66-foot-wide Public Right-of-Way providing access to properties located in Sections 4, 5, 8 and 9, T2S, R9E, BHM, Pennington County, South Dakota, to Assurance Lane.

Sack reviewed the Staff Report indicating the applicant has applied to name a public right-of-way to Assurance Lane.

Staff recommended approval of the Road Naming of Assurance Lane with the following one (1) condition:

1. That the applicant will be responsible for payment and posting a road name sign, in accordance with the standards set forth by the Pennington County Highway Department.

Discussion followed.

Moved by Johnson and seconded by Lewis to approve of the Road Naming of Assurane Lane with the following one (1) condition.

- 1. That the applicant will be responsible for payment and posting a road name sign, in accordance with the standards set forth by the Pennington County Highway Department.**

All voting aye, the Motion carried 7 to 0.

9. CONDITIONAL USE PERMIT / CU 22-23: Susan Murray; KTM Design Solutions, Inc. - Agent. To allow an accessory structure, a garage, as a primary structure on the subject property in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot B, Murray Subdivision No. 2, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure, a garage, as a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-23 with the following seven (7) conditions:

1. That the garage not be used for living quarters;
2. That an address be assigned to the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Pioneer Circle;
3. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
4. That the property remains free of junk and debris;
5. 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;
6. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
7. That this Conditional Use Permit be reviewed in 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 Lewis and seconded by Kuehn to approve of Conditional Use Permit / CU 22-23 with the following seven (7) conditions:

- 1. That the garage not be used for living quarters;**
- 2. That an address be assigned to the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Pioneer Circle;**
- 3. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
- 4. That the property remains free of junk and debris;**
- 5. 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;**
- 6. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,**
- 7. That this Conditional Use Permit be reviewed in 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.

10. CONDITIONAL USE PERMIT AMENDMENT / CU 21-52: Campfire Cabins, LLC, Al Sutton. To amend a Conditional Use Permit to allow the existing caretaker/manager's residence to be used as a Vacation Home Rental in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract B, Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied to amend an existing Conditional Use Permit to allow the existing caretaker/manager's residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit Amendment / CU 21-52 with the following twenty-six (26) conditions:

1. That the Vacation Home Rental and the cabins must not be rented until the renewal lodging license is issued from the South Dakota Department of Health and a copy of the license be provided to the Planning Department;
2. That the uses of this Conditional Use Permit be limited to 6 seasonal rental cabins and the existing single-family residence to be used as a Vacation Home Rental (VHR);
3. That the maximum overnight occupancy of the VHR based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 10 people and the maximum daytime occupancy is limited to 20 people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) & 319(F)(13);
4. That the maximum overnight occupancy of the cabins based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 24 people;
5. That an approved On-Site Wastewater Construction Permit be obtained prior to any On-site Wastewater Treatment System being installed on the subject property, which will also require review and approval by the South Dakota Department of Agriculture and Natural Resources (SD DANR);
6. That all necessary permits are obtained prior to any additions and/or alterations to the VHR and cabins or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
7. That if any addition is constructed on the VHR and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
8. That quiet hours for the cabins be from 10 p.m. to 8 a.m.;

9. That the minimum number of required parking spaces be continually provided in accordance with Pennington County Zoning Ordinance Section 310, which requires 1 parking space per guest bedroom for each cabin;
10. That the old approach of 12644 Campfire Drive be reseeded;
11. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic, and must be maintained in a dust-free manner;
12. That the address, 12644 Campfire Drive, be posted on the residence, be posted at the end of the driveway and so that it is visible from interior roadway, and at the approach off of Campfire Drive, in accordance with Pennington County's Ordinance #20;
13. That each cabin is assigned a "Unit" number and each "Unit" number must be posted on each cabin so it is visible from the interior roadway and posted inside of each cabin.
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
16. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
17. That a smoke detector be placed in each sleeping room, with a minimum of at least 1 smoke detector per floor;
18. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
19. That the applicant maintains current licenses with the South Dakota Department of Health (Specialty Resort License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
20. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule, which regulates Specialty Resorts;
21. 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;

22. That a Storm Water Permit be obtained prior to any land disturbance greater than 10,000 square feet;
23. That any natural drainage ways and paths be continually maintained;
24. That any sign complies with §312 of the Pennington County Zoning Ordinance;
25. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit; and,
26. That this Conditional Use Permit be reviewed in 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 Johnson and seconded by McGregor approve of Conditional Use Permit Amendment / CU 21-52 with the following twenty-six (26) conditions:

- 1. That the Vacation Home Rental and the cabins must not be rented until the renewal lodging license is issued from the South Dakota Department of Health and a copy of the license be provided to the Planning Department;**
- 2. That the uses of this Conditional Use Permit be limited to 6 seasonal rental cabins and the existing single-family residence to be used as a Vacation Home Rental (VHR);**
- 3. That the maximum overnight occupancy of the VHR based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 10 people and the maximum daytime occupancy is limited to 20 people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) & 319(F)(13);**
- 4. That the maximum overnight occupancy of the cabins based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 24 people;**
- 5. That an approved On-Site Wastewater Construction Permit be obtained prior to any On-site Wastewater Treatment System being installed on the subject property, which will also require review and approval by the South Dakota Department of Agriculture and Natural Resources (SD DANR);**
- 6. That all necessary permits are obtained prior to any additions and/or alterations to the VHR and cabins or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);**

7. That if any addition is constructed on the VHR and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
8. That quiet hours for the cabins be from 10 p.m. to 8 a.m.;
9. That the minimum number of required parking spaces be continually provided in accordance with Pennington County Zoning Ordinance Section 310, which requires 1 parking space per guest bedroom for each cabin;
10. That the old approach of 12644 Campfire Drive be reseeded;
11. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic, and must be maintained in a dust-free manner;
12. That the address, 12644 Campfire Drive, be posted on the residence, be posted at the end of the driveway and so that it is visible from interior roadway, and at the approach off of Campfire Drive, in accordance with Pennington County's Ordinance #20;
13. That each cabin is assigned a "Unit" number and each "Unit" number must be posted on each cabin so it is visible from the interior roadway and posted inside of each cabin.
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
16. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
17. That a smoke detector be placed in each sleeping room, with a minimum of at least 1 smoke detector per floor;
18. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
19. That the applicant maintains current licenses with the South Dakota Department of Health (Specialty Resort License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;

20. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule, which regulates Specialty Resorts;
21. 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;
22. That a Storm Water Permit be obtained prior to any land disturbance greater than 10,000 square feet;
23. That any natural drainage ways and paths be continually maintained;
24. That any sign complies with §312 of the Pennington County Zoning Ordinance;
25. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit; and,
26. That this Conditional Use Permit be reviewed in 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 22-27: Jeff and Kelly Gorman. To allow a Bed and Breakfast on the subject property in a Suburban Residential District in accordance with Sections 209, 323, and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 2, Highland Hills Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Bed and Breakfast on the subject property.

Staff recommended to continue Conditional Use Permit / CU 22-27 to the July 11, 2022, Planning Commission meeting to allow the applicants time to address concerns from the Planning Department with the following one (1) condition:

- 1 That the Bed and Breakfast must not be rented until the applicant brings the On-Site Wastewater Treatment System into compliance with the City of Rapid City and this Conditional Use Permit is approved.

Discussion followed.

Moved by Colemand and Johnson to continue Conditional Use Permit / CU 22-27 to the July 11, 2022, Planning Commission meeting to allow the applicants time to address concerns from the Planning Department with the following one (1) condition:

1 That the Bed and Breakfast must not be rented until the applicant brings the On-Site Wastewater Treatment System into compliance with the City of Rapid City and this Conditional Use Permit is approved.

All voting aye, the Motion carried 7 to 0.

12. PRELIMINARY PLAN / PPL 22-27: Eisenbraun Farms LLC; Tyrel Eisenbraun. To subdivide and create Tract A of Eisenbraun Farms Addition in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All Less ROW, Section 24, T1N, R14E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A, Eisenbraun Farms Addition, Section 24 T1N, R14E, BHM, Pennington County, South Dakota.

Supboon stated the applicant has requested to withdraw Preliminary Plan / PPL 22-27.

Staff recommended approval of the withdrawal of Preliminary Plan / PPL 22-27, per the applicant's request.

Discussion followed.

Moved by Kuehn and seconded by Lewis to deny without prejudice Preliminary Plan / PPL 22-27.

All voting aye, the Motion carried 7 to 0.

13. CONDITIONAL USE PERMIT / CU 22-25: Todd and Deborah Proctor. To allow a mobile coffee trailer to be operated on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT of Hope Placer, MS 1653 aka NW1/4SW1/4NW1/4, Hope Placer MS 1653, Section 9, T1N, R4E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a mobile coffee trailer to be operated on the subject property.

Staff recommended denial of Conditional Use Permit / CU 22-25, but is now recommending to deny without prejudice.

Discussion followed.

Moved by Coleman and seconded by Johnson to deny without prejudice Conditional Use Permit / CU 22-25.

All voting aye, the Motion carried 7 to 0.

14. CONDITIONAL USE PERMIT / CU 22-28: Michael and Renee Myers. To allow a Guest House on the subject property in an Agriculture District in accordance with Sections 205, 318, and 510 of the Pennington County Zoning Ordinance.

E1/2NW1/4 Less Tract A, Section 14, T1N, R9E, BHM, Pennington County, South Dakota.

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

Staff recommended approval Conditional Use Permit / CU 22-28 with the following eleven (11) conditions:

1. That within 90 days of approval of Conditional Use Permit / CU 22-28, the applicants apply for a Building Permit for the shop addition with living quarters;
2. That within 60 days of approval the Building Permit for the shop addition with living quarters the applicants file a deed restriction with the Register of Deeds stating that a Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
3. That the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;
4. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence or a second family on the premises shall be prohibited;
5. That the Guest House shall not be used for more than 180 days per calendar year;
6. That the primary residence be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318-B-10;
7. That the on-site wastewater treatment system be in compliance with PCZO Section 204(J);
8. That an address be assigned to the Guest House and the addresses assigned to the primary residence and the Guest House be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
9. That the Guest House be utilized and maintained in accordance with all requirements of the PCZO § 318;

10. 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; and,
11. That this Conditional Use Permit be reviewed in 6 months, 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.

Dicussion followed.

Moved by Coleman and seconded by Kuehn to approve of Conditional Use Permit / CU 22-28 with the following eleven (11) conditions:

- 1. That within 90 days of approval of Conditional Use Permit / CU 22-28, the applicants apply for a Building Permit for the shop addition with living quarters;**
- 2. That within 60 days of approval the Building Permit for the shop addition with living quarters the applicants file a deed restriction with the Register of Deeds stating that a Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);**
- 3. That the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;**
- 4. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence or a second family on the premises shall be prohibited;**
- 5. That the Guest House shall not be used for more than 180 days per calendar year;**
- 6. That the primary residence be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318-B-10;**
- 7. That the on-site wastewater treatment system be in compliance with PCZO Section 204(J);**
- 8. That an address be assigned to the Guest House and the addresses assigned to the primary residence and the Guest House be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 9. That the Guest House be utilized and maintained in accordance with all requirements of the PCZO § 318;**

10. **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; and,**
11. **That this Conditional Use Permit be reviewed in 6 months, 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.

15. PRELIMINARY PLAN / PPL 22-25: Russell and Kimberly Johnson; Martin Kost – Surveyor. To subdivide and create Lots 3, 4, and 5 of Storm Hill Subdivision No. 2 in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 7R, Storm Hill Subdivision; Bal of GL 4; and That Pt of Snowbird Lode MS #526 Lying in NE1/4SW1/4 Less Storm Hill Subdivision, Snowbird Lode MS 526; all of Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3, 4, and 5, Storm Hill Subdivision No. 2, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Preliminary Plan to subdivide and create Lots 3, 4, and 5 of Storm Hill Subdivision No. 2.

Staff recommended approval of Preliminary Plat / PPL 22-25 with the following nine (9) conditions:

1. That at the time of submittal of the Final Plat, 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;
2. That at the time of submittal for the Final Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
3. That at the time of submittal for the Final Plat, the access easement be labeled “Private Access Easement”;
4. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;
5. That the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
6. That prior to the filing of the Final Plat, the applicant obtain approval of Building Permits for the residence and the detached garage and pay all applicable fees.

7. That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment prior to filing the Final Plat at Register of Deeds;
8. 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;
9. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Lewis and seconded by Kuehn to approve of Preliminary Plat / PPL 22-25 with the following nine (9) conditions:

- 1. That at the time of submittal of the Final Plat, 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;**
- 2. That at the time of submittal for the Final Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
- 3. That at the time of submittal for the Final Plat, the access easement be labeled "Private Access Easement";**
- 4. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;**
- 5. That the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;**
- 6. That prior to the filing of the Final Plat, the applicant obtain approval of Building Permits for the residence and the detached garage and pay all applicable fees.**
- 7. That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment prior to filing the Final Plat at Register of Deeds;**
- 8. 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;**
- 9. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT / CU 22-15: Dawn and Troy Richter. To allow a grain bin to be used as a primitive cabin rental on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4, NE1/4NW1/4, Section 8, T1S, R17E, BHM, Pennington County, South Dakota.

(Continued from the May 23, 2022, Planning Commission meeting.)

Sack stated this item was continued from the May 23, 2022, Planning Commission meeting to address concerns of the Planning Commission and members of the public.

Staff recommended approval of Conditional Use Permit / CU 22-15 with the following seventeen (17) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
2. That daily operations be conducted by owners, on-site manager, and local contact as necessary;
3. That all-natural drainage paths be continually maintained;
4. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
5. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
6. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
7. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310; That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
8. That the grain bin cabin rental obtains all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue prior to operation;
9. That a smoke detector be placed in each sleeping room utilized for a the grain bin cabin rental, with a minimum of at least 1 smoke detector per floor;
10. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;

11. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a grain bin cabin rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
12. That the maximum number of people staying at any grain bin cabin rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
13. That the applicants comply with South Dakota Codified Law 34-18;
14. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
15. That no outside fires be allowed on the subject property;
16. That the applicant improves the access road to Ordinance #14 Standards or obtain waivers prior to operation; and,
17. 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.

Sack further stated staff recommends to remove Condition #10.

Discussion followed.

Moved by Kuehn and seconded by McGregor to approve of Conditional Use Permit / CU 22-15 with the following sixteen (16) conditions:

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That daily operations be conducted by owners, on-site manager, and local contact as necessary;**
- 3. That all-natural drainage paths be continually maintained;**
- 4. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;**
- 5. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;**
- 6. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;**

7. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310; That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
8. That the grain bin cabin rental obtains all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue prior to operation;
9. That a smoke detector be placed in each sleeping room utilized for a the grain bin cabin rental, with a minimum of at least 1 smoke detector per floor;
10. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a grain bin cabin rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
11. That the maximum number of people staying at any grain bin cabin rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
12. That the applicants comply with South Dakota Codified Law 34-18;
13. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
14. That no outside fires be allowed on the subject property;
15. That the applicant improves the access road to Ordinance #14 Standards or obtain waivers prior to operation; and,
16. 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, the Motion carried 6 to 1. Commissioner Johnson voted no.

17. CONDITIONAL USE PERMIT / CU 22-16: Dawn and Troy Richter. To allow a Recreational Vehicle park on the subject property in an Agriculture District in accordance with Sections 205, 306, and 510 of the Pennington County Zoning Ordinance.

NE1/4, NE1/4NW1/4, Section 8, T1S, R17E, BHM, Pennington County, South Dakota.

(Continued from the May 23, 2022, Planning Commission meeting.)

Sack stated this item was continued from the May 23, 2022, Planning Commission meeting to address concerns of the Planning Commission and members of the public.

Staff recommended approval of Conditional Use Permit / CU 22-16 with the following eighteen (18) conditions:

1. That the Recreational Vehicle (RV) Park shall consist of no more than 5 RV sites;
2. That the RV park only be operated after the approved OSWTS has been installed;
3. That all RVs dispose of waste through the approved OSWTS;
4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);
5. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 14;
6. That each RV site has a lot number clearly posted;
7. That a minimum 10-foot separation be maintained between each RV site;
8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;
9. That the minimum setback requirements in an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That the minimum 58-foot Section Line setback be maintained on the property;
11. That an approved Approach Permit be obtained from the County Highway Department prior to operation of the RV park
12. That the applicant improves the access road to Ordinance #14 Standards or obtain waivers prior to operation
13. 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;
14. That the subject property remains free of debris and junk vehicles;
15. That the applicant adheres to PCZO § 510;
16. That no outside fires be allowed on the subject property.

17. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
18. That this Conditional Use Permit be reviewed in 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 Lewis and seconded by McGregor to approve of Conditional Use Permit / CU 22-16 with the following eighteen (18) conditions:

- 1. That the Recreational Vehicle (RV) Park shall consist of no more than 5 RV sites;**
- 2. That the RV park only be operated after the approved OSWTS has been installed;**
- 3. That all RVs dispose of waste through the approved OSWTS;**
- 4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);**
- 5. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 14;**
- 6. That each RV site has a lot number clearly posted;**
- 7. That a minimum 10-foot separation be maintained between each RV site;**
- 8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;**
- 9. That the minimum setback requirements in an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 10. That the minimum 58-foot Section Line setback be maintained on the property;**
- 11. That an approved Approach Permit be obtained from the County Highway Department prior to operation of the RV park**
- 12. That the applicant improves the access road to Ordinance #14 Standards or obtain waivers prior to operation**

13. **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;**
14. **That the subject property remains free of debris and junk vehicles;**
15. **That the applicant adheres to PCZO § 510;**
16. **That no outside fires be allowed on the subject property.**
17. **That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,**
18. **That this Conditional Use Permit be reviewed in 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.

18. COMPREHENSIVE PLAN AMENDMENT / CA 22-12: Mary Dietrich; Howe Land Surveying - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Low Density Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Otho Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

(Continued from the May 23, 2022, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-12 to change the Future Land Use from Ranchette District to Low Density Residential District.

Discussion followed.

Moved by Coleman and seconded by Johnson to approve of Comprehensive Plan Amendment / CA 22-12.

All voting aye, the Motion carried 7 to 0.

19. REZONE / RZ 22-13: Mary Dietrich; Howe Land Surveying - Agent. To rezone 4.9 acres from Agriculture District to Low Density Residential District in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Otho Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

(Continued from the May 23, 2022, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 4.9 acres from Agriculture District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 22-13.

Discussion followed.

Moved by Coleman and seconded by Kuehn to approve of Rezone / RZ 22-13.

All voting aye, the Motion carried 7 to 0.

20. REZONE / RZ 22-17: Joanie McVey; Jim Peterson - Agent. To rezone 25.072 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: The Point of Beginning of said parcel being common with the southeasterly corner of Tract A of Swampy Lane Subdivision as shown in Plat Book 21, Page 108, at the Pennington County Register of Deeds Office, which is marked by a 5/8" rebar with survey cap stamped "Bryant RLS 2196", said Parcel is more particularly described as follows: THENCE FIRST COURSE: along said easterly line of said Tract A with a bearing of N38°50'50"W and a distance of 639.55 feet to an angle point corner of said parcel and marked with a 5/8" rebar with survey cap stamped "Bryant RLS 2196"; THENCE SECOND COURSE: continuing along said easterly line of Tract A with a bearing of N02°24'14"W and a distance of 291.60 feet to an angle point corner of said parcel and marked with a 5/8" rebar with survey cap stamped "Bryant RLS 2196"; THENCE THIRD COURSE: continuing along said easterly line of Tract A with a bearing of N17°12'16"W and a distance of 377.21 feet to an intersection with the southerly Right-of-Way (R.O.W.) line of McVey Road; THENCE FORTH COURSE: continuing along said R.O.W. line through a curve to the right with a central angle of 07°13'12", an arc length of 232.35 feet and a radius of 1,843.88 feet (chord Bearing of S51°35'55"E and a Chord Distance of 232.20 feet); THENCE FIFTH COURSE: continuing along said R.O.W. line with a bearing of S47°59'19"E and a distance of 66.34 feet; THENCE SIXTH COURSE: continuing along said R.O.W. line through a curve to the left with a central angle of 06°58'26", an arc length of 61.30 feet and a radius of 503.67 feet (chord Bearing of S51°28'32"E and a Chord Distance of 61.27 feet); THENCE SEVENTH COURSE: continuing along said R.O.W. line with a bearing of S54°57'36"E and a distance of 189.01 feet; THENCE EIGHTH COURSE: continuing along said R.O.W. line through a curve to the left with a central angle of 58°21'22", an arc length of 352.19 feet and a radius of 345.79 feet (chord Bearing of S84°08'26"E and a Chord Distance of 337.16 feet); THENCE NINETH COURSE: continuing along said R.O.W. line with a bearing of N66°40'53"E and a distance of 179.48 feet; THENCE TENTH COURSE: continuing along said R.O.W. line through a curve to the left with a central angle of 02°19'19", an arc length of 51.33 feet and a radius of 1,266.61 feet (chord Bearing of N65°31'14"E and a Chord Distance of 51.33 feet); THENCE ELEVENTH COURSE: continuing along said R.O.W. line with a bearing of N64°20'38"E and a distance of 314.18 feet; THENCE

TWELFTH COURSE: continuing along said R.O.W. line through a curve to the right with a central angle of 50°27'58", an arc length of 236.22 feet and a radius of 268.19 feet (chord Bearing of N89°21'32"E and a Chord Distance of 228.66 feet); THENCE THIRTEENTH COURSE: along proposed lot line with a bearing of S05°33'40"W and a distance of 1,015.62 feet to an intersection with the Section 1/16 line of said Section 36, T1N, R3E, BHM which is coincident the northerly boundary of Slate Prairie Subdivision; THENCE FOURTEENTH COURSE: continuing along said Section 1/16 line of Section 36 with a bearing of S89°59'35"W and a distance of 869.36 feet to the Point of Beginning. Basis of Bearings established by GPS observation, all bearings referenced to geodetic north (WGS84.) Said Parcel of Land to be Rezoned Contains 25.072 acres, more or less; Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 25.072 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 22-17.

Discussion followed.

Moved by Lewis and seconded by Johnson to approve of Rezone / RZ 22-17.

All voting aye, the Motion carried 7 to 0.

21. PRELIMINARY PLAN / PPL 22-24: Joanie McVey; Jim Peterson - Agent. To subdivide and create Lots 1, 2, 3, 4, and 5 of McVey Valley Subdivision in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All Less Kayter Subdivision and Less Swampy Lane Subdivision, HES #636, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, 3, 4, and 5, McVey Valley Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to subdivide and create Lots 1, 2, 3, 4, and 5 of McVey Valley Subdivision.

Staff recommended approval of Preliminary Plan / PPL 22-24 with the following six (6) conditions:

1. That prior to the mylar being filed at Register of Deeds, the applicant either obtains an approved Rezone for proposed Lots 1, 2, 3, 4, and 5 of McVey Valley Subdivision or an approved Lot Size Variance;
2. That at the time of submittal of the Final Plan, approach easements off McVey Road must be staked out to ensure sight distance can be met;
3. That at the time of submittal of the Final Plan, the structures in the right-of-way must be removed;

4. That at the time of submittal of the Final Plan, any Erosion and Grading plans involving flood plain disturbance need to be stamped by an engineer;
5. That at the time of submittal of the Final Plan, the Plat must meet requirements of § 602; and,
6. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by McGregor and seconded by Kuehn to approve of Preliminary Plan / PPL 22-24 with the following six (6) conditions:

- 1. That prior to the mylar being filed at Register of Deeds, the applicant either obtains an approved Rezone for proposed Lots 1, 2, 3, 4, and 5 of McVey Valley Subdivision or an approved Lot Size Variance;**
- 2. That at the time of submittal of the Final Plan, approach easements off McVey Road must be staked out to ensure sight distance can be met;**
- 3. That at the time of submittal of the Final Plan, the structures in the right-of-way must be removed;**
- 4. That at the time of submittal of the Final Plan, any Erosion and Grading plans involving flood plain disturbance need to be stamped by an engineer;**
- 5. That at the time of submittal of the Final Plan, the Plat must meet requirements of § 602; and,**
- 6. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 7 to 0.

22. REZONE / RZ 22-18: Joseph Theberge; Renner Associates - Agent. To rezone 8.171 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the section corner common to Sections 11, 12, 13, and 14 of T1N, R6E, BHM and the point of beginning. Thence, first course: N 89°35'29" E, along the along the section line common to Sections 12 and 13, T1N, R6E, BHM, a distance of 659.47 feet; Thence, second course: S 00°00'02" W, a distance of 542.23 feet; Thence, third course: N 89°56'48" W, a distance of 659.86 feet, to a point on the section line common to Sections 13 and 14, T1N, R6E, BHM; Thence, fourth course: N 00°03'12" E, along the along the section line common to Sections 13 and 14, T1N, R6E, BHM, a distance of 503.59 feet; Thence, fifth course: N 00°06'05" W, along the along the section line common to

Sections 13 and 14, T1N, R6E, BHM, a distance of 33.33 feet; to the said point of beginning. Said Parcel contains 8.171 acres more or less; Section 13, T1N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 8.171 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / 22-18.

Discussion followed.

Moved by Johnson and seconded by Lewis to approve of Rezone / 22-18.

All voting aye, the Motion carried 7 to 0.

Commissioner Lasseter left the meeting at 10:22 a.m.

Commissioner Lasseter returned to the meeting at 10:24

23. REZONE / RZ 22-19: Isaac Almanza; Renner Associates – Agent. To rezone 5.059 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the northeasterly corner of Lot 2, common to a point the section corner common to Sections 14, 15, 22, and 23 of T1S, R5E, BHM, thence S 52°53'24" W, along the along the southeasterly boundary of said Lot 2, a distance of 389.64 feet to the point of beginning; Thence, first course: S 52°53'24" W, along the along the southeasterly boundary of said Lot 2, a distance of 607.36 feet to the southerly corner of said Lot 2; Thence, second course: N 45°59'04" W, along the southwesterly boundary of said Lot 2, a distance of 429.69 feet, to a point on the southerly edge of US Highway 385 right-of-way; Thence, third course: along the southeasterly edge of said US Highway 385 right-of-way, curving to the right, on a curve with a radius of 1016.35 feet, a delta angle of 31°15'07", a length of 554.37 feet, a chord bearing of N 60°06'54" E, and chord distance of 547.52 feet; Thence, fourth course: along the southeasterly edge of said US Highway 385 right-of-way, curving to the right, on a curve with a radius of 1016.35 feet, a delta angle of 02°48'29", a length of 49.81 feet, a chord bearing of N 76°54'37" E, and chord distance of 49.81 feet; Thence, fifth course: S 10°35'01" E, a distance of 188.00 feet; Thence, sixth course: S 82°24'21" E, a distance of 237.69 feet, to the said point of beginning. Said Parcel contains 5.059 acres more or less; Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 5.059 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 22-19.

Discussion followed.

Moved by Kuehn and seconded by Lewis to approve of Rezone / RZ 22-19.

All voting aye, the Motion carried 7 to 0.

24. MINOR PLAT / MPL 22-30: Isaac Almanza; Renner Associates – Agent. To subdivide and create Lot 1 of JV Subdivision and Lot 2R of HES #563 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 Less Lots H2 and H3 (also in Section 14) of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of JV Subdivision and Lot 2R of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lot 1 of JV Subdivision and Lot 2R of HES #563.

Staff recommended approval of Minor Plat / MPL 22-30 with the following five (5) conditions:

1. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
3. 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;
4. That the applicant ensures all-natural drainage ways are maintained and are not blocked; and,
5. 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.

Discussion followed.

Moved by Lewis and seconded by Johnson to approve of Minor Plat / MPL 22-30 with the following five (5) conditions:

- 1. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;**
- 2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;**

3. **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;**
4. **That the applicant ensures all-natural drainage ways are maintained and are not blocked; and,**
5. **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.**

All voting aye, the Motion carried 7 to 0.

25. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-09: Hart Ranch Camping Resort Club; Tim Schnabel - Agent. To amend the existing Hart Ranch Planned Unit Development to allow a warehouse to be utilized as an event center in accordance with Section 216 of the Pennington County Zoning Ordinance.

Hart Ranch Camping Resort Parcel of Hart Ranch Development, Section 18, T1S, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to amend the existing Hart Ranch Planned Unit Development to allow a warehouse to be utilized as an event center.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 22-09 with the following seventeen (17) conditions:

1. That the permitted use allows an existing warehouse to be utilized as an event venue;
2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That all natural drainage paths be continually maintained;
4. That an address be assigned and posted on the event venue so it is clearly visible, in accordance with Pennington County Ordinance #20;
5. That prior to operation, building plans for the proposed structure be submitted to the South Dakota Department of Health and the State Fire Marshal for review and comment;
6. That access to the event venue be taken only from Arena Drive;
7. That parking be provided on-site and maintained in a dust-free manner;

8. That the occupancy of the event venue be limited to 288 persons, based on the maximum occupancy classification of the structure;
9. That prior to operation, port-a-lets be made available as a means of on-site wastewater disposal;
10. That quiet hours for the event venue are to be consistent with those of the existing resort;
11. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
12. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
13. That prior to operation, the applicant creates an Emergency Plan to evacuate guests from the property. The Emergency Plan must be posted inside the structure at all times and a copy of said plan shall be submitted to the Planning Department;
14. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License, as applicable;
15. 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;
16. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
17. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

Discussion followed.

Moved by Kuehn and seconded by McGregor to approve of Minor Planned Unit Development Amendment / PU 22-09 with the following seventeen (17) conditions:

- 1. That the permitted use allows an existing warehouse to be utilized as an event venue;**

2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That all natural drainage paths be continually maintained;
4. That an address be assigned and posted on the event venue so it is clearly visible, in accordance with Pennington County Ordinance #20;
5. That prior to operation, building plans for the proposed structure be submitted to the South Dakota Department of Health and the State Fire Marshal for review and comment;
6. That access to the event venue be taken only from Arena Drive;
7. That parking be provided on-site and maintained in a dust-free manner;
8. That the occupancy of the event venue be limited to 288 persons, based on the maximum occupancy classification of the structure;
9. That prior to operation, port-a-lets be made available as a means of on-site wastewater disposal;
10. That quiet hours for the event venue are to be consistent with those of the existing resort;
11. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
12. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
13. That prior to operation, the applicant creates an Emergency Plan to evacuate guests from the property. The Emergency Plan must be posted inside the structure at all times and a copy of said plan shall be submitted to the Planning Department;
14. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License, as applicable;
15. 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;

16. **That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,**
17. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.**

All voting aye, the Motion carried 7 to 0.

26. CONDITIONAL USE PERMIT / CU 22-26: Tube Air Racing, LLC/Larry Teuber; Renner Associates - Agent. To allow an accessory structure, a pole barn/shop building, as a primary structure on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1 Revised (also located in Section 5), Block 5, Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure, a pole barn/shop building, as a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-26 with the following nine (9) conditions:

1. That the garage not be used for living quarters;
2. That an address be assigned to the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Pioneer Circle;
3. That within 30 days of approval, the applicant obtains an approved Approach Permit from County Highway;
4. That within 30 days of approval, the applicant obtains an approved Operating Permit for the on-site wastewater treatment system on proposed Lot 1RB;
5. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the property remains free of junk and debris;
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 Pennington County Zoning Ordinance § 510; and,

9. That this Conditional Use Permit be reviewed in 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 Marsh and seconded by Johnson to approve of Conditional Use Permit / CU 22-26 with the following nine (9) conditions:

1. That the garage not be used for living quarters;
2. That an address be assigned to the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Pioneer Circle;
3. That within 30 days of approval, the applicant obtains an approved Approach Permit from County Highway;
4. That within 30 days of approval, the applicant obtains an approved Operating Permit for the on-site wastewater treatment system on proposed Lot 1RB;
5. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the property remains free of junk and debris;
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 Pennington County Zoning Ordinance § 510; and,
9. That this Conditional Use Permit be reviewed in 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, the Motion carried 5 to 2. Commissioners McGregor and Coleman voted no.

27. CONDITIONAL USE PERMIT / CU 22-24: PDQ Construction, Inc. / Justin DeVeny. To allow a caretaker/manager's residence on the subject property in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot 7R, The Forks at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a caretaker/manager's residence on the subject property.

Staff recommended denial of Conditional Use Permit / CU 22-24.

Discussion followed.

Moved by Lewis and seconded by McGregor to deny Conditional Use Permit / CU 22-24.

All voting aye, the Motion carried 7 to 0.

The Planning Commission took a 10-minutes recess.

The Planning Commission reconvened.

28. ORDINANCE AMENDMENT / OA 22-01: Pennington County. To add Section 321 "Hard Rock Mining" [to add Section 321 "Hard Rock Mining"] to the Pennington County Zoning Ordinance.

(Continued from the May 23, 2022, Planning Commission meeting.)

Sack reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 321 - Hard Rock Mining to the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-01.

Discussion followed.

Moved by Johnson and seconded by McGregor to approve of Ordinance Amendment / OA 22-01 and a red-lined version of the document be provided to the Board.

All voting aye, the Motion carried 7 to 0.

29. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their May 23rd meeting with the exception of:

1. Planned Unit Development Overlay 22-06: Katie Smirnova and Brett Walfish. This item was continued to the June 21st Board meeting.
2. Ordinance Amendment 22-07: Pennington County. To amend the Subdivision Regulations. This item was continued to the June 21st Board meeting.

30. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

31. ITEMS FROM THE STAFF

- A. Building Permit Report. Theunissen reviewed the Building Permit Report for May 2022.
- B. Board of Adjustment. Megan Kruger, Deputy State's Attorney, spoke of the Board of Adjustment being heard by the Planning Commission.

32. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

33. ADJOURNMENT

Moved by Coleman and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 12:52 p.m.

Rich Marsh, Chairperson