

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 14, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Sande Runde, Jim Coleman (teleconference) and Gary Drewes.

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

ROLL CALL

1. APPROVAL OF THE MAY 24, 2021, MINUTES
Moved by Drewes and seconded by McGregor to approve the Minutes of the May 24, 2021, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by C. Johnson and seconded by Runde to approve the Agenda of the June 14, 2021, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

Moved by Runde and seconded by Drewes to approve the Consent Agenda of the June 14, 2021, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 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 12-03:** Keith and Mary Ann Wheeler. To review a single-wide mobile home being used as a single-family residence in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

The N1/2 of Lot 9, Block 8, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 12-03 with the following four (4) conditions:

1. That the property continues to remain free of debris and junk vehicles;
2. That the lot address continues to be clearly posted so it is visible from Lunar Drive in accordance with Pennington County Ordinance #20;
3. That the mobile home on the property continue to have a peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained and provided with skirting from the bottom of the walls to the ground; and,
4. That this Conditional Use Permit be reviewed 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-15:** Vincent Ryan Revocable Trust. To review two bunkhouses and a small lodge on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4SW1/4; W1/2SE1/4NW1/4, Section 15, T4S, R14E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-15 with the following four (4) conditions:

- 1 That the property consists of the main residential structure, two bunkhouses and an On-Site Wastewater Treatment System;
- 2 That the lot address be posted at all times so that it is clearly visible from East Highway 44 and on each residential structure, in accordance with Pennington County Ordinance #20;
- 3 That the two bunkhouses and main residence not be rented out on a nightly or weekly basis; and,
- 4 That this Conditional Use Permit be reviewed 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.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-23:** Cliff Dahl. To review existing structures on the subject property including a pole frame building in an Agriculture District in accordance with Section 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Windy Hollow Subdivision, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-23 with the following six (6) conditions:

- 1. That the lot address, 23000 Radar Hill Road, continue to be posted so it is clearly visible from Radar Hill Road in accordance with Pennington County Ordinance #20;**
- 2. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That all local, state, and federal requirements for construction on the property continue to be met;**
- 4. That the subject property remains free of debris and junk vehicles;**
- 5. That the accessory structures continue to be used for personal use only and no commercial-type uses and not for living space; and,**
- 6. That this Conditional Use Permit be reviewed 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.

- 6. CONDITIONAL USE PERMIT REVIEW / CU 18-18: Randy Dowdy and Laura Luthy. To review a rental home park on the subject property to include four (4) existing mobile home rental units and to allow an additional ten (10) rental units, which would include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.**

W1/2W1/2SE1/4SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-18 with the following sixteen (16) conditions:

- 1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor's homes, and one (1) residence to be used as the caretaker/manager's residence;**
- 2. That the rental home park continually has a caretaker or manager's residence on-site and it be appropriately identified as such;**

3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;
4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;
6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;
7. That the entire water system must be fully operational by the time the 10th Building Permit for a mobile home is submitted prior to the issuance of a Building Permit.;
8. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;
9. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
10. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
11. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);
12. That the property remains free of debris and junk vehicles and all structures be well-maintained;
13. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

14. That an approved Building Permit be obtained for each new residence prior to construction and for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property; 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.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-11:** Paul and Rebecca Freidel. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Cedar Gulch Subdivision, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-11 with the following eight (8) conditions:

1. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
2. That the Guest House shall not be used for more than 180 days per calendar year;
3. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO Section 318(B)(10);
4. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
5. That both of the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Longhorn Court, in accordance with Pennington County Ordinance #20;
6. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on Section 318, or a Variance(s) be obtained and approved to waive any requirements;

7. **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,**
8. **That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 20-07:** BH Energy / Shannon Pollmiller – Agent. To review a temporary contractor’s equipment storage yard in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 11, The Forks at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 20-07 with the applicant’s concurrence.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 20-28:** Mystic Road Cottage, LLC – Steve Yearous. To review the transfer of a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Redfern Valley Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

To approve the transfer of Conditional Use Permit / CU 20-28 with the following fifteen (15) conditions:

1. **That the maximum overnight occupancy be limited to two (2) people, based on SD DANR approval and the maximum daytime occupancy be limited to four (4) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
2. **That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
3. **That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
4. **That each review of this Conditional Use Permit be subject to PCZO § 511(P), which imposes a \$100 fee per review;**

5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests;
7. That a minimum of 1 off-street parking space be provided on-site, per PCZO § 310(A)(9)(gg), measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (23489 Mystic Road) continually be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Mystic Road, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Craig Oyler, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

10. **MINOR PLAT / MPL 21-34:** Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying - Agent. To combine three lots to create Lot 1 Revised of Block 1 of Forest Homes Development and Dedicated Right-of-Way in a Suburban Residential District in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1 and 2 of Block 1 of Forest Homes Development and Tract 0046 all located in Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 Revised of Block 1 of Forest Homes Development and Dedicated Right-of-Way, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 21-34 with the following seven (7) conditions:

1. **That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
2. **That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
3. **That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
4. **That prior to filing the mylar, the applicant obtain an approach permit from County Highway and a Variance be obtained for the second approach;**
5. **That the applicant ensures all-natural drainage ways are maintained and not blocked;**
6. **That prior to filing the mylar with the Register of Deeds approval for a second approach be obtained,**
7. **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.**

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

11. CONDITIONAL USE PERMIT / CU 21-29: James and Janice Beld. To allow a Recreational Vehicle to be utilized as temporary living quarters on the subject property, for less than 180 days per calendar year, in a Ranchette District in accordance with Sections 204-C, 204-G, 206 and 510 of the Pennington County Zoning Ordinance.

SE1/4NE1/4, Section 18, T1S, R3E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a Recreational Vehicle to be utilized as temporary living quarters on the subject property for less than 180 days per calendar year.

Staff recommended approval of Conditional Use Permit / CU 21-29 with the following ten (10) conditions:

1. That only one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters;
2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
3. That an approved On-Site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property;
4. That prior an installation of the OSWTS, the wastewater from the RV be properly disposed of at all times;
5. That address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the approach clearly visible from both directions of travel along Williams Draw Road, in accordance with Pennington County's Ordinance #20;
6. That the applicants adhere to the U.S. Forest Service's requirements at all times;
7. That the minimum setback requirements of a Ranchette Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the 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; and,
10. 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.

Move by C. Johnson and seconded by Drewes to approve of Conditional Use Permit / CU 21-29, with amended language to Conditions #3 and #4, with the following ten (10) conditions:

- 1. That only one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters;**
- 2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;**
- 3. That an approved On-Site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property within one (1) year;**
- 4. That prior to installation of the OSWTS, the wastewater from the RV be properly disposed of at all times and proof of pumping be provided at the request of the Planning Department;**
- 5. That address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the approach clearly visible from both directions of travel along Williams Draw Road, in accordance with Pennington County's Ordinance #20;**
- 6. That the applicants adhere to the U.S. Forest Service's requirements at all times;**
- 7. That the minimum setback requirements of a Ranchette Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 8. That the 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; and,**
- 10. 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.**

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

12. CONDITIONAL USE PERMIT / CU 21-30: Thomas Boyce and Lynn Behr. To allow a Vacation Home Rental in a Low Density Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 3, HES #305, Section 33, T1S, R4E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit for a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 21-30 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;
3. That if any addition is constructed on the residence and/or the On-Site Wastewater Treatment System is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That each review of Conditional Use Permit / CU 21-30, be subject to PCZO Section 511(P), which imposes a \$100 fee per review;
6. That the applicants maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That the applicants 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;
8. That a minimum of one (1) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

9. That an interior informational sign be updated and posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
10. That the lot address (12061 Reno Gulch Road) be posted on the residence at all times and at the driveway where intersects Reno Gulch Road, in accordance with Pennington County's Ordinance #20;
11. That the applicants 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 Sheralin Bradley, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in 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 Runde and seconded by McGregor to approve of Conditional Use Permit / CU 21-30 with the following seventeen (17) conditions:

- 1. That the maximum overnight occupancy based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
- 2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;**
- 3. That if any addition is constructed on the residence and/or the On-Site Wastewater Treatment System is upgraded in the future, this Conditional**

Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;

4. 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;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That each review of Conditional Use Permit / CU 21-30, be subject to PCZO Section 511(P), which imposes a \$100 fee per review;
7. That the applicants 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;
8. That the applicants 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;
9. That a minimum of one (1) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (12061 Reno Gulch Road) be posted on the residence at all times and at the driveway where intersects Reno Gulch Road, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Sheralin Bradley, 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;
14. 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;

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 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.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

13. CONDITIONAL USE PERMIT AMENDMENT / CU 14-25: Jeff DeVeney. To amend an existing Conditional Use Permit to increase the size of the two existing storage units on the subject property from 40’ x 100’ to 40’ x 184’ in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to amend an existing Conditional Use Permit to increase the size of the two existing storage units on the subject property from 40’ x 100’ to 40’ x 184’.

Staff recommended approval of Conditional Use Permit Amendment / CU 14-25 with the following eleven (11) 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 a minimum of four (4) parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That two (2) storage buildings continue to be allowed on the subject property, not to exceed 40’ x 184’, and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner’s expense;
4. That the business address be continually posted and clearly visible in accordance with Ordinance #20;

5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
8. That the applicant continually ensures that all natural drainage ways continue to be maintained and are not blocked;
9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Agriculture and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and that a sign continually be posted indicating after hours contact information with the owner's phone number; and,
11. That this Conditional Use Permit be reviewed by the Planning Commission in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by C. Johnson to approve of Conditional Use Permit Amendment / CU 14-25 with the following eleven (11) 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 a minimum of four (4) parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 3. That two (2) storage buildings continue to be allowed on the subject property, not to exceed 40' x 184', and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner's expense;**

4. That the business address be continually posted and clearly visible in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
8. That the applicant continually ensures that all natural drainage ways continue to be maintained and are not blocked;
9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Agriculture and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and that a sign continually be posted indicating after hours contact information with the owner's phone number; and,
11. That this Conditional Use Permit be reviewed by the Planning Commission in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

14. CONDITIONAL USE PERMIT / CU 21-31: Cynthia and Mark Van Vleck. To live in a Recreational Vehicle while building a single-family residence on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Harney View Estates, Section 29, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a Recreational Vehicle while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-31 with the following eleven (11) conditions:

1. That only one (1) camper allowed to be utilized as temporary living quarters;
2. That the address, 12536 Old Hill City 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 applicant submits monthly receipts from Hills Toilet Service to show that the port-a-pottie is being used and maintained;
4. That the applicant applies for a Building Permit for the residence prior to the next review;
5. That the camper not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
6. That the camper be removed when the residence is habitable, following which the camper only be allowed to be stored on the property and disconnected from utilities;
7. That the minimum setback requirements of a Rural Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. 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;
9. That the property remains free of debris and junk vehicles;
10. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by C. Johnson and seconded by Drewes to continue Conditional Use Permit / CU 21-31 to the June 28, 2021, Planning Commission meeting.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

15. CONDITIONAL USE PERMIT / CU 21-32: Dennis and Wyonne Kaemingk; Fisk Land Surveying – Agent. To allow a secondary/accessory structure, a garage, 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 6, Block 8, Forest Home Development, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 21-32 with the following eight (8) conditions:

1. That an approved Building Permit be obtained for the proposed 28' x 28' garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
2. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
3. That the garage be used for personal use only, no commercial-type use and/or living space is allowed;
4. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
6. That an address be posted in accordance with Ordinance #20;
7. 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; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by McGregor to approve of Conditional Use Permit / CU 21-32 with the following eight (8) conditions:

1. **That an approved Building Permit be obtained for the proposed 28' x 28' garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**

2. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
3. That the garage be used for personal use only, no commercial-type use and/or living space is allowed;
4. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
6. That an address be posted in accordance with Ordinance #20;
7. 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; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

Commissioner Runde left the meeting at 10:19 a.m.

16. LAYOUT PLAT / LPL 21-31: Timothy and Marjorie Schwab. To combine two lots to create 14R of Double Diamond Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 13 and Lot 14 of Double Diamond Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 14R, Double Diamond Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied to combine two lots to create 14R of Double Diamond Ranch Subdivision.

Staff recommended approval of Layout Plat / LPL 21-31 with the following eleven (11) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to 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 the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being Recorded at Register of Deeds, the applicant obtains a Rezone or a Lot size Variance for the proposed lots;
4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of §400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the Certifications on the plat be in accordance with §400.3(1)(n) of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
8. That at the time of the Minor Plat submittal, the proposed Plat contain the Floodway floodplain limits in accordance with current FIRM Panel;
9. That following platting of the proposed lots, 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;
10. 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,
11. That approval of this Layout 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 Drewes to approve of Layout Plat / LPL 21-31 with the following eleven (11) conditions:

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to 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 the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being Recorded at Register of Deeds, the applicant obtains a Rezone or a Lot size Variance for the proposed lots;
4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of §400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the Certifications on the plat be in accordance with §400.3(1)(n) of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
8. That at the time of the Minor Plat submittal, the proposed Plat contain the Floodway floodplain limits in accordance with current FIRM Panel;
9. That following platting of the proposed lots, 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;
10. 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,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Coleman – aye; McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 5 to 0.

17. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-08: Todd and Tina Warkenthien. To amend the existing Planned Unit Development to reduce the front yard setback from 25 feet to 15 feet for a future garage on the subject property in accordance Section 216 of the Pennington County Zoning Ordinance.

Lot 3R, Block 2, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to amend the exiting Planned Unit Development to reduce the front yard setback from 25 feet to 15 feet for a future garage on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 21-08 with the following four (4) conditions:

1. That the conditions of approval of PUD 92-4, PUD 92-2A, and PUD 93-10 be continually adhered to;
2. That the front yard setback from 25 feet to 15 feet only applies to the proposed garage on the subject property;
3. That all other structures must maintain setback requirements or obtain approval of a separate Planned Unit Development Amendment; and,
4. That this Minor Planned Unit Development be reviewed in one (1) year or on a complaint basis.

Discussion followed.

Moved by Drewes and seconded by McGregor to approve of Minor Planned Unit Development Amendment / PU 21-08 with the following four (4) conditions:

- 1. That the conditions of approval of PUD 92-4, PUD 92-2A, and PUD 93-10 be continually adhered to;**
- 2. That the front yard setback from 25 feet to 15 feet only applies to the proposed garage on the subject property;**
- 3. That all other structures must maintain setback requirements or obtain approval of a separate Planned Unit Development Amendment; and,**
- 4. That this Minor Planned Unit Development be reviewed in one (1) year or on a complaint basis.**

Roll Call: Marsh – aye, Coleman – aye; McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 5 to 0.

Commission Runde returned to the meeting at 10:24 a.m.

18. LAYOUT PLAN / LPL 21-30: Edward and Tammy Davis. To combine three lots to create Lot 7R-2 of Forest View Subdivision in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5, 6, and 7R (also located in Section 27), Forest View Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 7R-2 (also located in Section 27), Forest View Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied to combine three lots to create Lot 7R-2 of Forest View Subdivision.

Staff recommended approval of Layout Plan / LPL 21-30 with the following nine (9) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
4. That at the time of Minor 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 of these requirements that are not met;
5. That at the time of Minor 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;
6. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line right-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
7. That prior to the mylar being filed at Register of Deeds, the applicant obtains either an approved Rezone and Comprehensive Plan Amendment or Lot Size Variance for the proposed lot;
8. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
9. 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 Drewes and seconded by McGregor to approve of Layout Plan / LPL 21-30 with the following nine (9) conditions:

- 1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**

2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
4. That at the time of Minor 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 of these requirements that are not met;
5. That at the time of Minor 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;
6. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line right-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
7. That prior to the mylar being filed at Register of Deeds, the applicant obtains either an approved Rezone and Comprehensive Plan Amendment or Lot Size Variance for the proposed lot;
8. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

19. PRELIMINARY PLAT / PPL 21-32: David Stone. To create Lot B of Guy Davis Homestead in accordance Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 1 (also in Section 14) of Guy Davis Homestead and S1/2NE1/4; GL 2-4 Less Lot A of GL 4; SE1/4 all located in Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

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

Theunissen reviewed Staff Report indicating the applicant has applied for a Preliminary Plat to create Lot B of Guy Davis Homestead.

Staff recommended approval of Preliminary Plat / PL 21-32 with the following conditions:

1. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That at the time of 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 of these requirements that are not met;
3. That at the time of Final 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;
4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
5. 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 C. Johnson and seconded by Runde to approve of Preliminary Plat / PL 21-32 with the following five (5) conditions:

- 1. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That at the time of 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 of these requirements that are not met;**
- 3. That at the time of Final 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;**
- 4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 5. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.**

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

20. PRELIMINARY PLAT / PPL 21-33: 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 Section 400.2 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 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat 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 Preliminary Plat / PL 21-33 with the following seven (7) conditions:

1. That prior to Final Plat submittal, the applicant identifies the existing On-site Wastewater Treatment System on proposed Lot 1D and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;
2. That prior to Final 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 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 of these requirements that are not met;
4. That at the time of Final 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 Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Runde and seconded McGregor to approve of Preliminary Plat / PL 21-33 with the following seven (7) conditions:

- 1. That prior to Final Plat submittal, the applicant identifies the existing On-site Wastewater Treatment System on proposed Lot 1D and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;**
- 2. That prior to Final 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 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 of these requirements that are not met;**
- 4. That at the time of Final 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 Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.**

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

21. CONDITIONAL USE PERMIT / CU 21-28: Travis Green. To allow an accessory structure, a pole barn, as a primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

S425 feet of N850 feet of W1075 feet of SW1/4SW1/4, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the May 24, 2021, Planning Commission meeting.)

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

Staff recommended approval of Conditional Use Permit / CU 21-28 with the following eleven (11) conditions:

1. That the Section Line be improved to Ordinance 14 Standards, or a Variance waiving the requirements be obtained, prior to issuance of a Building Permit;
2. That a Road Construction in a Section Line Right of Way permit be approved prior to issuance of a Building Permit;
3. That a Building Permit be obtained for the proposed pole barn reviewed and approved by the Planning Director;
4. That an address be assigned for the proposed pole barn and properly posted in accordance with Penning County Ordinance #20;
5. That the applicant obtains an approved Approach Permit from the County Highway Department;
6. That the proposed pole barn be used for personal use only, no commercial-type use is allowed;
7. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
8. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
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 applicant adheres to Pennington County Zoning Ordinance Section 510; and,
11. 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 McGregor and C. Johnson to approve of Conditional Use Permit / CU 21-28, with an amendment to Condition #6, with the following eleven (11) conditions:

- 1. That the Section Line be improved to Ordinance 14 Standards, or a Variance waiving the requirements be obtained, prior to issuance of a Building Permit;**
- 2. That a Road Construction in a Section Line Right of Way permit be approved prior to issuance of a Building Permit;**

3. That a Building Permit be obtained for the proposed pole barn reviewed and approved by the Planning Director;
4. That an address be assigned for the proposed pole barn and properly posted in accordance with Penning County Ordinance #20;
5. That the applicant obtains an approved Approach Permit from the County Highway Department;
6. That the proposed pole barn be used as cold storage and personal use only, no commercial-type use is allowed;
7. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
8. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
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 applicant adheres to Pennington County Zoning Ordinance Section 510; and,
11. 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.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

22. TELECOMMUNICATIONS FACILITY PERMIT / TC 21-02: Pennington County. To allow a 180-foot self-supporting public safety radio tower and equipment shelter on the subject property in a Highway Service District in accordance with Sections 212 and 316 of the Pennington County Zoning Ordinance.

Lot 1R, RFD Subdivision, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Telecommunication Facility Permit to a 180-foot self-supporting public safety radio tower and equipment shelter on the subject property.

Staff recommended approval of Telecommunications Facilities Permit / TC 21-02 with the following nine (9) conditions:

1. That a Building Permit(s) is obtained prior to the installation of the proposed Telecommunications Facility;
2. That the Telecommunications Facility be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas”;
3. That the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;
4. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;
5. That at the time a Building Permit is submitted, an address be assigned to the Tower and that the address be properly posted in accordance with Ordinance #20;
6. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;
7. That an approved Approach Permit be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for TC 21-02;
8. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property in accordance with Section 316, or a Variance be obtained; and,
9. That this Telecommunication Facilities 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.

Discussion followed.

Moved by Runde and seconded by Drewes to approve of Telecommunications Facilities Permit / TC 21-02 with the following nine (9) conditions:

- 1. That a Building Permit(s) is obtained prior to the installation of the proposed Telecommunications Facility;**
- 2. That the Telecommunications Facility be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas”;**

3. That the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;
4. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;
5. That at the time a Building Permit is submitted, an address be assigned to the Tower and that the address be properly posted in accordance with Ordinance #20;
6. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;
7. That an approved Approach Permit be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for TC 21-02;
8. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property in accordance with Section 316, or a Variance be obtained; and,
9. That this Telecommunication Facilities 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.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

23. LAYOUT PLAN / LPL 21-35: JKRK Properties, LLC; Ryan Kaski. To create Lots 1-21 of Block 7, Lots 8-16 of Block 8, and Lots 9-17 of Block 9 of Sunset Ranch Subdivision in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 3; GL 4 Less Sunset Ranch and Less ROW; N1/2S1/2NW1/4; SW1/4; N1/2S1/2NE1/4; GL 1-2 Less Sunset Ranch and Less ROW; Lots 10, 11, 14, 15 and 16 of Block 9 of Sunset Ranch Subdivision, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-21 of Block 7, Lots 8-16 of Block 8, and Lots 9-17 of Block 9 of Sunset Ranch Subdivision, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1-21 of Block 7, Lots 8-16 of Block 8, and Lots 9-17 of Block 9 of Sunset Ranch Subdivision.

Staff recommended approval of Layout Plan / LPL 21-35 with the following twenty-six (26) conditions:

1. That at the time of submittal the Preliminary Plat, the applicant shall provide percolation test results to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
2. That at the time of submittal of the Preliminary Plat, the applicant shall either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in Section 400.2.2.e of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement;
3. That at the time of submittal of the Preliminary Plat, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;
4. That at the time of submittal of the Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
5. That at the time of submittal of the Preliminary Plat, the applicant shall provide engineered road plans and construction plans to the Planning staff as required in Section 400.2.2.q and Section 400.2.2.r of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
6. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or a Subdivision Regulations Variance obtained to waiving this requirement;
7. That at the time of submittal of the Preliminary Plat, a drainage study be submitted to verify that post development flows do not exceed pre-development flows as required in Section 400.2.2.s;
8. That at the time of submittal of the Preliminary 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;
9. That at the time of submittal for the Preliminary 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;

10. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
11. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
12. That drainage improvements be made to address post development storm water flows prior to issuance of any Building Permits for Phase 1 or Phase 2;
13. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement;
14. That prior to County Board approval of the Preliminary Plat, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.);
15. The signage for the subdivision must include speed limits that reflect the designed speed of the roads, intersection control and other warning signs as necessary. All signage must meet the sign standards of the Pennington County Highway Department. All signs must be installed by the applicant or surety posted;
16. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
17. That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Agriculture and Natural Resources;
18. That at the time of submittal of the Final Plat, the water system serving Sunset Ranch Subdivision be approved by the South Dakota Department of Agriculture and Natural Resources;
19. That at the time of submittal of the Final Plat, the Road District is amended to include the new roads in the subdivision and a Resolution be approved by the Board of Commissioners for maintenance of roads within the Subdivision;
20. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
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 the roads within the development must be built to Ordinance 14 Standards;

23. That site distance concerns are addressed by the applicant for proposed Lots 8 and 9 of Block 8 and proposed Lots 19, 20, 21 of Block 7 and that the applicant works with the County Highway Department to mitigate concerns;
24. That improvements to 229th Street from the current eastern boundary of Sunset Ranch Road District, east to the 1/4 line in Sections 33 & 4 must be made before Phase 2 is complete unless Sunset Ranch Road District takes over maintenance of that section of 229th Street;
25. That the lot line for Lots 10 and 11 in Block 7 line up with the Section Line as this will prevent potential issues if 156th Avenue is improved to the south; and,
26. 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 Runde and seconded by C. Johnson to approve of Layout Plan / LPL 21-35 with the following twenty-six (26) conditions:

- 1. That at the time of submittal the Preliminary Plat, the applicant shall provide percolation test results to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 2. That at the time of submittal of the Preliminary Plat, the applicant shall either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in Section 400.2.2.e of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement;**
- 3. That at the time of submittal of the Preliminary Plat, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;**
- 4. That at the time of submittal of the Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 5. That at the time of submittal of the Preliminary Plat, the applicant shall provide engineered road plans and construction plans to the Planning staff as required in Section 400.2.2.q and Section 400.2.2.r of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**

6. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or a Subdivision Regulations Variance obtained to waiving this requirement;
7. That at the time of submittal of the Preliminary Plat, a drainage study be submitted to verify that post development flows do not exceed pre-development flows as required in Section 400.2.2.s;
8. That at the time of submittal of the Preliminary 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;
9. That at the time of submittal for the Preliminary 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;
10. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
11. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
12. That drainage improvements be made to address post development storm water flows prior to issuance of any Building Permits for Phase 1 or Phase 2;
13. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement;
14. That prior to County Board approval of the Preliminary Plat, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.);
15. The signage for the subdivision must include speed limits that reflect the designed speed of the roads, intersection control and other warning signs as necessary. All signage must meet the sign standards of the Pennington County Highway Department. All signs must be installed by the applicant or surety posted;
16. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
17. That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Agriculture and Natural Resources;

18. That at the time of submittal of the Final Plat, the water system serving Sunset Ranch Subdivision be approved by the South Dakota Department of Agriculture and Natural Resources;
19. That at the time of submittal of the Final Plat, the Road District is amended to include the new roads in the subdivision and a Resolution be approved by the Board of Commissioners for maintenance of roads within the Subdivision;
20. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
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 the roads within the development must be built to Ordinance 14 Standards;
23. That site distance concerns are addressed by the applicant for proposed Lots 8 and 9 of Block 8 and proposed Lots 19, 20, 21 of Block 7 and that the applicant works with the County Highway Department to mitigate concerns;
24. That improvements to 229th Street from the current eastern boundary of Sunset Ranch Road District, east to the 1/4 line in Sections 33 & 4 must be made before Phase 2 is complete unless Sunset Ranch Road District takes over maintenance of that section of 229th Street;
25. That the lot line for Lots 10 and 11 in Block 7 line up with the Section Line as this will prevent potential issues if 156th Avenue is improved to the south; and,
26. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

24. ORDINANCE AMENDMENT / OA 21-10: Pennington County. To amend Section 400 “Nonconforming Buildings, Structures and Uses of Land” [to amend and supersede the existing Section 400 “Nonconforming Buildings, Structures and Uses of Land”] of the Pennington County Zoning Ordinance.

Molitor stated this is an Ordinance Amendment to amend Section 400 “Nonconforming Buildings, Structures and Uses of Land” of the Zoning Ordinance.

Staff had originally recommended approval, but are now recommending to continue to the June 28, 2021, Planning Commission meeting.

Discussion followed.

Moved by Drewes and seconded by C. Johnson to continue Ordinance Amendment / OA 21-10 to the June 28, 2021, Planning Commission meeting.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

25. ORDINANCE AMENDMENT / OA 21-11: Pennington County. To repeal Section 502 “Planning and Zoning Director” [to repeal the existing Section 502 “Planning and Zoning Director”]; Section 503 “Pennington County Planning & Zoning Commission” [to repeal the existing Section 503 “Pennington County Planning & Zoning Commission”]; Section 504 “Pennington County Zoning Board of Adjustment” [to repeal the existing Section 504 “Pennington County Zoning Board of Adjustment”]; and, Section 505 “Pennington County Board of Commissioners” [to repeal the existing Section 505 “Pennington County Board of Commissioners”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to repeal Sections 502, 503, 504, and 505 of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 21-11.

Discussion followed.

Moved by C. Johnson and McGregor to approve of Ordinance Amendment / OA 02-11.

Roll Call: Marsh – aye, Coleman – aye; Runde – aye, McGregor – aye, C. Johnson – aye, and Drewes - aye. Roll Call Vote: carried 6 to 0.

26. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the May 24, 2021, Planning Commission meeting.

Preliminary Plat 21-17: Keith Lau to create Lots 5R and 5B of Lau Subdivision was continued to the June 1st BOC Meeting and was approved.

27. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

28. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for May 2021.
- B. Planning Department. Deputy State’s Attorney, Cullen McNeece, stated he has taken a different position and Deputy State’s Attorney, Megan Krueger, will be taking over as counsel for the Planning Department.

29. ITEMS FROM THE MEMBERSHIP

Chairman Marsh discussed concerns of Planning Commission members to be incorporated in the Conditions of Approval.

30. ADJOURNMENT

Moved by McGregor and seconded by C. Johnson to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:28 a.m.

Rich Marsh, Chairperson