

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
September 13, 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, and Ron Rossknecht.

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

ROLL CALL

1. APPROVAL OF THE AUGUST 23, 2021, MINUTES
Moved by Johnson and seconded by Runde to approve the Minutes of the August 23, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Coleman to approve the Agenda of the September 13, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Rossknecht and seconded by Johnson to approve the Consent Agenda of the September 23, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 14-17:** Mary Corbin. To review a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 209 and 506 of the Pennington County Zoning Ordinance.

Lot 19, Morning View Subdivision, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-17 with the following six (6) conditions

1. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
2. **That the property continue to be kept free of debris and junk vehicles;**

3. That the lot address (22876 Moon Street) be continually posted so it is clearly visible from both directions of travel along Moon Street at all times in accordance with Pennington County's Ordinance #20;
4. That the mobile home have a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;
5. 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; and,
6. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Planning Commission or the County Board to verify that all Conditions of Approval are being met

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-09:** Laura Pankratz. To review two (2) off-premises signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 212, 312 and 506 of the Pennington County Zoning Ordinance.

Lot 4, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-09 with the following five (5) conditions:

1. That both off-premise signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance (PCZO) at all times;
2. That the signs be continually maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
3. That the installation of any signs on the property requires a separate Sign Permit to be obtained and this Conditional Use Permit reviewed and amended;
4. That if the applicant decides to illuminate either off-premise sign, this Conditional Use Permit shall be revoked and the applicant will need to apply for a new Conditional Use Permit; and,
5. That this Conditional Use Permit be reviewed as deemed necessary by the Pennington County Planning Commission or Board of Commissioners, or on a complaint basis to verify that all Conditionals of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 19-06:** Big Game Storage, LLC; Chris Peterson. To review a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Commercial District in accordance with Sections 211, 312, and 506 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-06 with the following five (5) conditions:

1. **That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;**
2. **That the on-premise sign only be lighted from 6:00 a.m. to 12:00 a.m. daily.**
3. **That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;**
4. **That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,**
5. **That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.**

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 20-13:** Richard Redetzke. To review a single-wide mobile home to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 209 and 506 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, Sharp Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-13 with the following six (6) conditions:

1. **That the property address (1713 Sharp Drive) be posted in accordance with Pennington County Ordinance #20;**
2. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
3. **That the subject property remains free of debris and junk vehicles;**

4. That the mobile home have a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;
5. 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; and,
6. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Planning Commission or the County Board to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

7. **MINOR PLAT / MPL 21-58:** Gerard and Michele Mlinar. To reconfigure lot lines to create Lots 2A-1 and 2B-1 of Battle Creek Mountain Estates Subdivision in accordance with Sections 400.3 of the Pennington Subdivision Regulations.

EXISTING LEGAL: Lot 2A and Lot 2B, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2A-1 and Lot 2B-1, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 21-58 with the following seven (7) conditions:

1. That prior to filing the mylar with the Register of Deeds, chord bearings for curves be included on the mylar, per Department of Equalization comments in this report;
2. That prior to filing the mylar with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. 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 of these requirements that are not met;
4. 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;
5. That prior to filing the mylar with the Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 2B-1 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 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

8. CONDITIONAL USE PERMIT / CU 21-51: Patrick and Amie Rose. To allow an accessory structure prior to a primary structure on the subject property in a Suburban Residential District in accordance with Sections 209 and 506 of the Pennington County Zoning Ordinance.

Lot 23, Block 7, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure prior to a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-51 with the following eight (8) 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 an approved Approach Permit be obtained;
3. That the property remain free of junk and debris;
4. That the existing garage be used for personal use only, no commercial-type use and/or living space is allowed;
5. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the applicant adheres to Pennington County Zoning Ordinance Section 506;

7. That an address be posted in accordance with Ordinance #20, so that it is visible from Leroy Street; and,
8. That this Conditional Use Permit be reviewed in 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 Coleman to approve of Conditional Use Permit / CU 21-51 with the following eight (8) 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 an approved Approach Permit be obtained;**
- 3. That the property remain free of junk and debris;**
- 4. That the existing garage be used for personal use only, no commercial-type use and/or living space is allowed;**
- 5. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
- 6. That the applicant adheres to Pennington County Zoning Ordinance Section 506;**
- 7. That an address be posted in accordance with Ordinance #20, so that it is visible from Leroy Street; and,**
- 8. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT / CU 21-49: Kyle and Claire Schmidt. To allow a Guest House on the subject property in an Agriculture District in accordance with Sections 205, 318, and 506 of the Pennington County Zoning Ordinance.

Tract 5, Red Rock Valley Subdivision, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the August 23, 2021, Planning Commission meeting.)

Supboom 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 of Conditional Use Permit / CU 21-49 with the following fifteen (15) conditions:

1. That within 60 days of approval of Conditional Use Permit / CU 21-49, the applicant records a deed restriction with the Register of Deeds stating that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) Section 318(B)(13)
2. That a Building Permit is required for the proposed Guest House and associated fee and penalty fee be paid;
3. That only 1 Guest House be allowed and the Guest House shall not be used for more than 180 days per calendar year;
4. That 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;
5. That the Guest House has its own assigned address, and not be a single-wide mobile home or a Recreational Vehicle;
6. That the addresses assigned to the Guest House and the primary residence be posted on each residence and at the end of the driveway where it intersects Perry Place so they are clearly visible, in accordance with Pennington County Ordinance #20;
7. That the On-site Wastewater Treatment Systems (OSWTS) comply with Pennington County Zoning Ordinance (PCZO) § 204(J);
8. That all necessary permits are obtained prior to any additions and/or alterations to the Guest House or upgrades/alterations to the OSWTS;
9. That 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;
10. That the Guest House shall have a minimum setback of 25-feet from all property lines;
11. That the primary residence on the property be owner occupied, per PCZO § 318(B)(10);
12. That at least 1 off-street parking space be provided for the Guest House;
13. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO § 318;

14. 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,
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 ensure compliance with the PCZO, Conditions of Approval, and state law.

Discussion followed.

Moved by Johnson and seconded by Rossknecht to approve of Conditional Use Permit / CU 21-49 with the following fifteen (15) conditions:

- 1. That within 60 days of approval of Conditional Use Permit / CU 21-49, the applicant records a deed restriction with the Register of Deeds stating that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) Section 318(B)(13)**
- 2. That a Building Permit is required for the proposed Guest House and associated fee and penalty fee be paid;**
- 3. That only 1 Guest House be allowed and the Guest House shall not be used for more than 180 days per calendar year;**
- 4. That 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;**
- 5. That the Guest House has its own assigned address, and not be a single-wide mobile home or a Recreational Vehicle;**
- 6. That the addresses assigned to the Guest House and the primary residence be posted on each residence and at the end of the driveway where it intersects Perry Place so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 7. That the On-site Wastewater Treatment Systems (OSWTS) comply with Pennington County Zoning Ordinance (PCZO) § 204(J);**
- 8. That all necessary permits are obtained prior to any additions and/or alterations to the Guest House or upgrades/alterations to the OSWTS;**
- 9. That 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;**
- 10. That the Guest House shall have a minimum setback of 25-feet from all property lines;**

11. That the primary residence on the property be owner occupied, per PCZO § 318(B)(10);
12. That at least 1 off-street parking space be provided for the Guest House;
13. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO § 318;
14. 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,
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 ensure compliance with the PCZO, Conditions of Approval, and state law.

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT / CU 21-50: Rodney and Treva Golz. To allow an accessory structure prior to a primary structure on the subject property in a Rural Residential District in accordance with Sections 207 and 506 of the Pennington County Zoning Ordinance.

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

Supboom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure prior to a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-50 with the following ten (10) conditions:

1. 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;
2. That an approved Building Permit be obtained for the proposed shed, which requires a site plan to be reviewed and approved by the Planning Director;
3. That an address be assigned for the proposed shed and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from S. Creek View Road;
4. That the applicant obtains an approved Approach Permit from South Creekview Road District;

5. That the proposed shed be used for personal use only, no commercial-type use is allowed;
6. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
7. That the property remains free of junk and debris;
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 applicant adheres to Pennington County Zoning Ordinance Section 506; 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.

Moved by Rossknecht and Runde to approve of Conditional Use Permit / CU 21-50 with the following ten (10) conditions:

- 1. 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;**
- 2. That an approved Building Permit be obtained for the proposed shed, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That an address be assigned for the proposed shed and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from S. Creek View Road;**
- 4. That the applicant obtains an approved Approach Permit from South Creekview Road District;**
- 5. That the proposed shed be used for personal use only, no commercial-type use is allowed;**
- 6. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
- 7. That the property remains free of junk and debris;**
- 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 applicant adheres to Pennington County Zoning Ordinance Section 506; 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.**

All voting aye, the Motion carried 6 to 0.

11. CONDITIONAL USE PERMIT / CU 21-52: Al Sutton. To allow a Recreational Resort on the subject property to include six cabins, a garage, and the existing single-family residence to be used as a caretaker's/manager's residence in an Agriculture District in accordance with Sections 205 and 506 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 for a Conditional Use Permit to allow a Recreational Resort to include six cabins, a garage, and the existing single-family residence to be used as a caretaker's/manager's residence.

Staff recommended approval of Conditional Use Permit / CU 21-52 with the following twenty-three (23) conditions:

1. 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 manager's/caretaker's residence;
2. That quiet hours for the cabins be from 10 p.m. to 8 a.m.;
3. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires 1 parking space per guest bedroom for each cabin;
4. That the existing approach of 12644 Campfire Drive be removed and regraded to maintain drainage, and an Access Easement be recorded to connect the internal road to the property south of the subject property. The subject property utilizes the same approach as 12648 Campfire Drive;
5. 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;
6. 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;

7. 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.
8. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
9. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
10. 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;
11. That a smoke detector be placed in each sleeping room, with a minimum of at least 1 smoke detector per floor;
12. 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;
13. 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;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule, which regulates Specialty Resorts;
15. 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);
16. That all necessary permits are obtained prior to any additions and/or alterations to the residence and cabins or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
17. That if any addition is constructed on the residence 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;
18. 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;
19. That a Storm Water Permit be obtained prior to any land disturbance;

20. That any natural drainage ways and paths be continually maintained;
21. That any sign complies with §312 of the Pennington County Zoning Ordinance;
22. 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,
23. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Conditional Use Permit / CU 21-52 with the following twenty-three (23) conditions:

- 1. 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 manager's/caretaker's residence;**
- 2. That quiet hours for the cabins be from 10 p.m. to 8 a.m.;**
- 3. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires 1 parking space per guest bedroom for each cabin;**
- 4. That the existing approach of 12644 Campfire Drive be removed and regraded to maintain drainage, and an Access Easement be recorded to connect the internal road to the property south of the subject property. The subject property utilizes the same approach as 12648 Campfire Drive;**
- 5. 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;**
- 6. 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;**
- 7. 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.**
- 8. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;**

9. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
10. 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;
11. That a smoke detector be placed in each sleeping room, with a minimum of at least 1 smoke detector per floor;
12. 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;
13. 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;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule, which regulates Specialty Resorts;
15. 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);
16. That all necessary permits are obtained prior to any additions and/or alterations to the residence and cabins or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
17. That if any addition is constructed on the residence 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;
18. 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;
19. That a Storm Water Permit be obtained prior to any land disturbance;
20. That any natural drainage ways and paths be continually maintained;
21. That any sign complies with §312 of the Pennington County Zoning Ordinance;

22. **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,**
23. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

12. CONDITIONAL USE PERMIT / CU 21-53: Keystone Adventures, Inc. – Peggy Busse / Andrew Busse. To allow an illuminated, on-premise sign to be located within 1,500 feet of a residential district /dwelling unit in a Highway Service District in accordance with Sections 212, 312, and 506 of the Pennington County Zoning Ordinance.

Unplatted Bal of GL 16 Less Row; Unplatted Bal of GL 21 Less Row; Lot A of W1/2NE1/4SE1/4; Pt Lot B Adj to GL 16, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an illuminated on-premise sign to be located within 1,500 feet of a residential district /dwelling unit.

Staff recommended approval of Conditional Use Permit / CU 21-53 with the following six (6) conditions:

1. That this Conditional Use Permit (CUP) only allows for the existing on-premise sign located at the entrance of the subject property to be illuminated within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;
2. That a Building Permit be obtained for solar panel(s);
3. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
4. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
5. That the sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance; and,
6. 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 Conditionals of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by Runde to approve of Conditional Use Permit / CU 21-53 with the following six (6) conditions:

- 1. That this Conditional Use Permit (CUP) only allows for the existing on-premise sign located at the entrance of the subject property to be illuminated within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;**
- 2. That a Building Permit be obtained for solar panel(s);**
- 3. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
- 4. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;**
- 5. That the sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance; and,**
- 6. 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 Conditionals of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

13. LAYOUT PLAN / LPL 21-55: Roger and Kathy Eckert; Fisk Land Surveying - Agent. To create Lot 1 of Eckert Subdivision in accordance with Section 400.1 of the Pennington Subdivision Regulations.

EXISTING LEGAL: All, HES #145, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Eckert Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lot 1 of Eckert Subdivision.

Staff recommended approval of Layout Plan / LPL 21-55 with the following nine (9) conditions:

1. That the applicant ensures all natural drainage ways are maintained and are not blocked;
2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That prior to recording the Final Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 1, to be reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That prior to recording the Final Plat, the applicant improves and dedicates the Section Line Right-of-Way or obtains a Subdivision Regulation Variance to waive the requirement;
7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
8. That at the time of Preliminary Plat submittal, 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; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Sack further stated Staff would be recommending to remove Conditions #2 and #6, as they are not needed.

Discussion followed.

Moved by Rossknecht and seconded by Johnson to approve of Layout Plan / LPL 21-55 with the following seven (7) conditions:

- 1. That the applicant ensures all natural drainage ways are maintained and are not blocked;**

2. **That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
3. **That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
4. **That prior to recording the Final Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 1, to be reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;**
5. **That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
6. **That at the time of Preliminary Plat submittal, 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; and,**
7. **That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 6 to 0.

14. REZONE / RZ 21-25: Roger Eckert; Fisk Land Surveying - Agent. To rezone 3.28 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 504 of the Pennington County Zoning Ordinance.

A portion of Homestead Entry Survey (HES 145) located in the Southeast One-Quarter (SE ¼) of Section Twenty-Four (24), Township One South (T1S), Range Six East (R6E), Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as: Commencing at Corner #4 of said HES 145, thence northerly along the east line of said HES 145, North 00 degrees 05 minutes 07 seconds West a distance of 58.48 feet more or less to a point on the north right-of-way line of Neck Yoke Road, said point marked by a rebar with survey cap "RW FISK LS 6565"; Thence, southwesterly and on the north edge of said Neck Yoke Road right-of-way, South 75 degrees 20 minutes 16 seconds West a distance of 204.42 feet more or less to the Point of Beginning, said point being marked by a rebar with survey cap "RW FISK 6565"; thence, continuing southwesterly and on the north edge of said Neck Yoke Road right-of-way, South 75 degrees 20 minutes 16 seconds West a distance of 31.01 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 00 degrees 00 minutes 00 seconds East a distance of 272.67 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 90 degrees 00 minutes 00 seconds West a distance of 385.00 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 00 degrees 00 minutes 00 seconds East a distance of 325.00 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 90 degrees 00

minutes 00 seconds East a distance of 415.00 feet more or less to a point marked by a rebar with survey cap “RW FISK 6565”; thence, South 00 degrees 00 minutes 00 seconds East a distance of 325.00 feet more or less to a point marked by a rebar with survey cap “RW FISK 6565”; thence, continuing South 00 degrees, 00 minutes 00 seconds East a distance of 264.82 feet more or less to the Point of Beginning. Said tract of land contains 3.28 acres, more or less; Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 3.28 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 21-25.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Rezone / RZ 21-25.

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAN / LPL 21-53: Detlev and Connie Prautzsch; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Storm Hill Subdivision No. 2 in accordance with Section 400.1 of the Pennington Subdivision Regulations.

EXISTING LEGAL: Lot C of Tract 1A, Storm Hill Subdivision, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Storm Hill Subdivision No. 2, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 1 and 2 of Storm Hill Subdivision No. 2.

Staff recommended approval of Layout Plan / LPL 21-53 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 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;
9. That the applicant improves Palmer Gulch Road to Ordinance #14 standards as required by the Highway Department prior to the mylar being filed at Register of Deeds;
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 Rossknecht and seconded Johnson to approve of Layout Plan / LPL 21-53 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 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;
9. That the applicant improves Palmer Gulch Road to Ordinance #14 standards as required by the Highway Department prior to the mylar being filed at Register of Deeds;
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.

All voting aye, the Motion carried 6 to 0.

16. LAYOUT PLAN / LPL 21-54: Natalie Wheaton / Wheaton Enterprises, LLC. To consolidate two lots to create Lot 13R of Engberg Subdivision in accordance with Section 400.1 of the Pennington Subdivision Regulations.

EXISTING LEGAL: Lot 13 and Lot 14, Engberg Subdivision, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 13R, Engberg Subdivision, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots to create Lot 13R of Engberg Subdivision.

Staff recommended approval of Layout Plan / LPL 21-54 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 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;
9. That prior to filing the Plat at Register of Deeds, an approach permit be obtained;
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;
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 Runde and seconded by Coleman to approve of Layout Plan / LPL 21-54 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 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;
9. That prior to filing the Plat at Register of Deeds, an approach permit be obtained;
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;
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

17. PRELIMINARY PLAT / PPL 21-57: Randall Peregrine / Robert and Donna Peregrine. To subdivide and create Lots D1, D2, and D3 of Johnson Estates Subdivision in accordance with Section 400.2 of the Pennington Subdivision Regulations.

EXISTING LEGAL: Lot D, Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Lots D1, D2, and D3 of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to create Lots D1, D2, and D3 of Johnson Estates Subdivision.

Staff recommended approval of Preliminary Plat / PPL 21-57 with the following nine (9) conditions:

1. That the applicant ensures all natural drainage ways are maintained and are not blocked;
2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That prior to recording the Final Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lots D1, D2, and D3, to be reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That prior to recording the Final Plat, the applicant improves and dedicates the Section Line Right-of-Way or obtains a Subdivision Regulation Variance to waive the requirement;
7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
8. That at the time of Preliminary Plat submittal, 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; and,
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 Runde and seconded by Coleman to approve of Preliminary Plat / PPL 21-57 with the following nine (9) conditions:

- 1. That the applicant ensures all natural drainage ways are maintained and are not blocked;**
- 2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;**

3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That prior to recording the Final Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lots D1, D2, and D3, to be reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That prior to recording the Final Plat, the applicant improves and dedicates the Section Line Right-of-Way or obtains a Subdivision Regulation Variance to waive the requirement;
7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
8. That at the time of Preliminary Plat submittal, 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; and,
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 6 to 0.

18. PRELIMINARY PLAT / PPL 21-56: Sudbury Ranch Land Holding, LLC / Casey Skyberg. To subdivide and create Lots 2R and Lots 3 through Lot 11 of Sudbury Ranch Subdivision in accordance with Section 400.2 of the Pennington Subdivision Regulations.

EXISTING LEGAL: Lot 2, Sudbury Ranch Subdivision; and the S396 ft. of NW1/4SE1/4; S1/2SE1/4, all located in Section 21, T1S, R7E, BHM, Pennington County.

PROPOSED LEGAL: Lot 2R, and Lots 3 through 11, Sudbury Ranch Subdivision, Section 21, T1S, R7E, BHM, Pennington County.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to subdivide and create Lots 2R and Lots 3 through Lot 11 of Sudbury Ranch Subdivision.

Staff recommended approval of Preliminary Plat / PPL 21-56 with the following nineteen (19) conditions:

1. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
2. 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;
3. That 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;
4. That the applicant ensures all natural drainage ways are maintained and not blocked;
5. 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;
6. 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.);
7. That at the time of Final Plat submittal, the applicant modify the engineered road plans and construction plans, per County Highway's comments in this report and provide them to the Planning staff as required in § 400.2.2.q and § 400.2.2.s;
8. That at the time of Final Plat submittal, the duplicate Register of Deeds certificate be removed from the Plat;
9. That at the time of Final Plat submittal, the Plat heading contain formerly language that provides the legal descriptions that the new lots are being created from;
10. That at the time of Final Plat submittal, the right-of-way labeled Sudbury Ranch Court be relabeled Sky View Court, as approved by the Emergency Services Communication Center/9-1-1;
11. That at the time of the Final Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
12. 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;
13. That at the time of Final Plat submittal, the Certifications on the Final Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;

14. That at the time of Final Plat submittal, the plat meets the 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;
15. That at the time of Final Plat submittal, the applicant 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 § 400.2.2.e of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
16. 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;
17. That prior to the mylar being filed at Register of Deeds, the Section Line Right-of-Ways must either be improved to Local Road standards or a Subdivision Regulations Variance obtained to waiving this requirement;
18. That prior to the mylar being filed at the Register of Deeds, the applicant obtains an approved Rezone and Comprehensive Plan Amendment for proposed Lot 3 or an approved Lot Size Variance be obtained waiving these requirements; and,
19. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements.

Discussion followed.

Commissioner Rossknecht left the meeting at 10:13 a.m.

Commissioner Rossknecht returned to the meeting at 10:15 a.m.

Commissioner Runde left the meeting at 10:18 a.m.

Commissioner Runde returned to the meeting at 10:23 a.m.

Moved by Coleman and seconded by McGregor to approve of Preliminary Plat / PPL 21-56 with the following nineteen (19) conditions:

- 1. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;**
- 2. 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;**

3. That 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;
4. That the applicant ensures all natural drainage ways are maintained and not blocked;
5. 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;
6. 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.);
7. That at the time of Final Plat submittal, the applicant modify the engineered road plans and construction plans, per County Highway's comments in this report and provide them to the Planning staff as required in § 400.2.2.q and § 400.2.2.s;
8. That at the time of Final Plat submittal, the duplicate Register of Deeds certificate be removed from the Plat;
9. That at the time of Final Plat submittal, the Plat heading contain formerly language that provides the legal descriptions that the new lots are being created from;
10. That at the time of Final Plat submittal, the right-of-way labeled Sudbury Ranch Court be relabeled Sky View Court, as approved by the Emergency Services Communication Center/9-1-1;
11. That at the time of the Final Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
12. 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;
13. That at the time of Final Plat submittal, the Certifications on the Final Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
14. That at the time of Final Plat submittal, the plat meets the 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;

- 15. That at the time of Final Plat submittal, the applicant 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 § 400.2.2.e of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 16. 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;**
- 17. That prior to the mylar being filed at Register of Deeds, the Section Line Right-of-Ways must either be improved to Local Road standards or a Subdivision Regulations Variance obtained to waiving this requirement;**
- 18. That prior to the mylar being filed at the Register of Deeds, the applicant obtains an approved Rezone and Comprehensive Plan Amendment for proposed Lot 3 or an approved Lot Size Variance be obtained waiving these requirements; and,**
- 19. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements.**

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

- 19. ROAD NAMING: Sudbury Ranch Land Holding, LLC / Casey Skyberg. To name a proposed 66-foot-wide Public Right-of-Way providing access to property located in Section 21, T1S, R7E, BHM, Pennington County, South Dakota, to Sky Ridge Court.**

Theunissen reviewed the Staff Report indicating the applicant has applied to name a 66-foot-wide Public Right-of-Way to Sky Ridge Court.

Staff recommended approval of the Road Naming of Sky Ridge Court.

Moved by McGregor and seconded by Coleman to approve of the Road Naming of Sky Ridge Court.

All voting aye, the Motion carried 6 to 0.

20. LAYOUT PLAN / LPL 21-59: Isaac Almanza / JV Gulch, LLC. To reconfigure lot lines to create Lot 2R Less Lots H2 and H3 of HES No. 563 and Lot 1 of JV Subdivision in accordance with Section 400.1 of the Pennington Subdivision Regulations.

EXISTING LEGAL: Lot 2 Less Lots H2 and H3 of HES No. 563 (also in Section 14), Section 22, T1S, R5E, and (Also in Sections 14 and 22) of HES No. 563, Section 23, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R Less Lots H2 and H3 of HES No. 563 (also in Section 14), Section 22, T1S, R5E, and Lot 1 of JV Subdivision, Section 23, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines to create Lot 2R Less Lots H2 and H3 of HES No. 563 and Lot 1 of JV Subdivision

Staff recommended approval of Layout Plan / LPL 21-59 with the following eleven (11) conditions:

1. That prior to Minor Plat submittal, the applicant obtains an approved Operating Permit for proposed Lot 2R;
2. That at the time of Minor Plat submittal, a legal means of access (easements or rights-of-way) to proposed Lot 2R be identified on the plat;
3. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lot 2R or obtains an approved Lot Size Variance;
4. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
5. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
6. 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;
7. 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;
8. That at the time of Minor Plat submittal, 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 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;
10. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Rossknecht and seconded by McGregor to approve of Layout Plan / LPL 21-59 with the following eleven (11) conditions:

- 1. That prior to Minor Plat submittal, the applicant obtains an approved Operating Permit for proposed Lot 2R;**
- 2. That at the time of Minor Plat submittal, a legal means of access (easements or rights-of-way) to proposed Lot 2R be identified on the plat;**
- 3. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lot 2R or obtains an approved Lot Size Variance;**
- 4. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;**
- 5. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 6. 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;**
- 7. 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;**
- 8. That at the time of Minor Plat submittal, 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 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;**

10. That the applicant ensures all natural drainage ways are maintained and not blocked; and,

11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

21. REZONE / RZ 21-26: Pink Cabin, LLC; KTM Design - Agent. To rezone 6.68 acres from Suburban Residential District to Urban Residential District in accordance with Sections 209, 210, and 504 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Commencing at the Northeast corner of Lot 1, Block 2, of Colvins Subdivision, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; THENCE (1) with the easterly boundary of said Colvins Subdivision, South 2°04'19" West, 18.48 feet to the point of beginning; THENCE (2) leaving said easterly boundary, South 88°28'10" East, 59.99 feet to a point on the westerly boundary of Murphy Ranch Estates Subdivision; THENCE (3) with said westerly boundary, South 1°54'07" West, 89.16 feet to the beginning of a curve; THENCE (4) with said westerly boundary, on a curve turning to the left with an arc length of 70.79 feet, with a radius of 70.00 feet, with a chord bearing of S27°04'07"E, with a chord length of 67.81 feet; THENCE (5) with said westerly boundary, South 56°02'22" East, 119.62 feet to the beginning of a non-tangent curve; THENCE (6) with said westerly boundary, on a curve turning to the left with an arc length of 98.43 feet, with a radius of 52.00 feet, with a chord bearing of N81°29'18"E, with a chord length of 84.38 feet to the beginning of a curve; THENCE (7) with said westerly boundary, on a curve turning to the right with an arc length of 16.64 feet, with a radius of 40.00 feet, with a chord bearing of N39°01'47"E, with a chord length of 16.53 feet; THENCE (8) with said westerly boundary, South 2°24'46" West, 100.20 feet; THENCE (9) with said westerly boundary, South 2°03'13" West, 76.79 feet; THENCE (10) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (11) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (12) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (13) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (14) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (15) with said westerly boundary, South 6°29'19" East, 78.79 feet to the beginning of a non-tangent curve; THENCE (16) with said westerly boundary, on a curve turning to the left with an arc length of 29.14 feet, with a radius of 450.36 feet, with a chord bearing of S27°38'35"E, with a chord length of 29.13 feet to the beginning of a curve; THENCE (17) with said westerly boundary, on a curve turning to the left with an arc length of 228.15 feet, with a radius of 834.33 feet, with a chord bearing of S22°07'33"E, with a chord length of 227.44 feet; THENCE (18) with said westerly boundary, South 13°04'11" East, 52.14 feet; THENCE (19) leaving said westerly boundary, South 81°11'31" West, 14.98 feet to the beginning of a curve; THENCE (20) on a curve turning to the left with an arc length of 98.15 feet, with a radius of 174.00 feet, with a chord bearing of S65°01'54"W, with a chord length of 96.86 feet; THENCE (21) North 41°09'45" West, 52.00 feet; THENCE (22) North 48°43'36" West, 60.36 feet; THENCE (23) North 88°02'33" West, 233.61 feet to a point on the easterly boundary of Colvins Subdivision; THENCE (24) with said easterly boundary, North 1°47'44" East, 161.22 feet; THENCE (25) with said easterly boundary, North 1°53'35" East, 234.91 feet;

THENCE (26) with said easterly boundary, North 1°58'44" East, 114.92 feet; THENCE (27) with said easterly boundary, North 1°54'11" East, 115.99 feet; THENCE (28) with said easterly boundary, North 1°49'45" East, 115.95 feet; THENCE (29) with said easterly boundary, North 1°42'12" East, 116.43 feet; THENCE (30) with said easterly boundary, North 2°04'19" East, 212.15 feet to the point of beginning; Said parcel contains 6.68 acres more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 6.68 acres from Suburban Residential District to Urban Residential District.

Staff recommended to continue Rezone / RZ 21-26 to the September 27, 2021, Planning Commission meeting.

Discussion followed.

Moved by Rossknecht and seconded by Johnson to continue Rezone / RZ 21-26 to the September 27, 2021, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

Planning Commission recessed at 10:57 a.m.
Planning Commission reconvened at 11:07 a.m.

22. ORDINANCE AMENDMENT / OA 21-12: Pennington County. To amend Section 210 “Urban Residential District” [to amend and supersede the existing Section 210 “Urban Residential District”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this in an Ordinance Amendment to amend Section 210 “Urban Residential District” of the Zoning Ordinance.

Staff recommended approval of OA 21-12.

Discussion followed.

Moved by Runde and seconded by McGregor to approve of Ordinance Amendment / OA 21-12.

All voting aye, the Motion carried 6 to 0.

23. ORDINANCE AMENDMENT / OA 21-13: Pennington County. To add Section 325 - Marijuana Ordinance Definition of Terms to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 325 “Marijuana Ordinance Definition of Terms” to the Zoning Ordinance.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of Ordinance Amendment / OA 21-13 with amended language changes in Definition Terms #6 and #8.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Johnson and seconded by Runde to continue Ordinance Amendment / OA 21-13 to the September 27, 2021, Planning Commission meeting with amended language changes in Definition Terms #6 and #8.

All voting aye, the Motion carried 6 to 0.

24. ORDINANCE AMENDMENT / OA 21-14: Pennington County. To add Section 326 - Marijuana Businesses to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 326 “Marijuana Businesses” to the Zoning Ordinance.

Discussion followed.

Commissioner Runde left the meeting at 11:52 a.m.
Commissioner Runde returned to the meeting at 11:57 a.m.

Moved by Rossknecht and seconded by McGregor to continue Ordinance Amendment / OA 21-14 to the September 27, 2021, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

25. ORDINANCE AMENDMENT / OA 21-15: Pennington County. To add Section 327 - Marijuana Business Development Plan Standards to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 327 “Marijuana Business Development Plan Standards” to the Zoning Ordinance.

Discussion followed.

Moved by Johnson and seconded by Coleman to continued Ordinance Amendment / OA 21-15 to the September 27, 2021, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

26. ORDINANCE AMENDMENT / OA 21-16: Pennington County. To add Section 328 - Marijuana Business License to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 328 “Marijuana Business License” to the Zoning Ordinance.

Discussion followed.

Commissioner Rossknecht left the meeting at 12:58 p.m.
Commissioner Rossknecht returned to the meeting at 1:01 p.m.

Moved by McGregor and seconded by Coleman to continue Ordinance Amendment / OA 21-16 to the September 27, 2021, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

27. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their August 23rd meeting.

28. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

29. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for August 2021.

30. ITEMS FROM THE MEMBERSHIP

Chairman Marsh asked to have the zoning legends added to Staff Reports. Commissioner Johnson spoke of items the State of South Dakota has been involved in on proposed Ordinances.

31. ADJOURNMENT

Moved by Coleman and seconded by McGregor to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 1:22 p.m.

Rich Marsh, Chairperson