

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 24, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Kevin Kuehn, Jim Coleman, Mikal Lewis, Kevin Burton, and Ron Rossknecht.

STAFF PRESENT: Cody Sack, Megan Talmage, Christine Phillip, Jason Theunissen, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE OCTOBER 11, 2022, MINUTES
Moved by Rossknecht and seconded by McGregor to approve the Minutes of the October 11, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by Kuehn to approve the Agenda of the October 24, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Rossknecht and seconded by Burton to approve the Consent Agenda of the October 24, 2022, Planning Commission meeting, with the removal of Items #4 and #6. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 16-30:** Paul and Carol Niemann. To review an accessory structure, pole barn, prior to a primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Niemann Trust Land Tract of the SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-30 with the following eight (8) conditions.

1. **That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;**

2. That a **Building Permit** be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the minimum setback requirements of an Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;
4. That the subject property remains free of debris and junk vehicles;
5. That the accessory structure be used for personal use only and no commercial-type uses;
6. That an approved Onsite Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to any alteration of the OSWTS on the property;
7. That the property owner is aware of the U.S. Forest Service requirements at all times; and,
8. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 21-16:** Kyle Brown. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 9 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-16 with the following eight (8) conditions:

1. That the addresses for both the proposed single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner;
3. That a **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;

4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or a setback Variance be obtained;
5. That the caretaker's residence use the existing approach off of Country Road and no new approaches are allowed;
6. That the subject property remains free of debris and junk vehicles;
7. That once care is no longer needed, the caretaker's residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; 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.

Vote: unanimous 7 to 0.

7. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-08:** Joel and Elizabeth Morris. To review living in a Recreational Vehicle as temporary living quarters, while building a single-family residence on the subject property, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 10, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

To end Minor Planned Unit Development Amendment / PU 19-08 with the applicant's concurrence.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-13:** Randy Wirtzfeld. To review a 12 x 12 cabin to be occupied on a seasonal basis on the subject property, not to be occupied more than 180 days per calendar year, in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Brule Lode MS 993, Section 36, T2N, R3E, BHM, Pennington County, South Dakota.

(Continued from the October 11, 2022, Planning Commission meeting.)

Commissioner Burton asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 18-13 with seven (7) conditions.

Discussion followed.

Moved by Burton and seconded by McGregor to approve the extension of Conditional Use Permit / CU 18-13 with the following seven (7) conditions:

- 1. That the lot address assigned to the property (11730 Divide Road) be properly posted in accordance with Pennington County's Ordinance #20;**
- 2. That the seasonal cabin may not be occupied more than 180 days per calendar year;**
- 3. That a port-a-potty continue to be present on the subject property while the cabin is occupied and the port-a-potty be pumped and maintained as needed to prevent effluent and "blue juice" from reaching the ground. Pump records must be provided to the Planning Department upon request;**
- 4. 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;**
- 5. That the minimum setback requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;**
- 6. That the cabin continue to be used for personal use only. No commercial activity or renting shall be permitted; and,**
- 7. That this Conditional Use Permit be reviewed in 6 months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

6. CONDITIONAL USE PERMIT REVIEW / CU 21-39: Paul and Carol Niemann. To review a Recreational Vehicle Park on the subject property in an Agriculture District in accordance with Sections 205, 306, and 510 of the Pennington County Zoning Ordinance.

Niemann Trust Land Tract of the SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

Commissioner Lewis asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 21-39 with conditions.

Discussion followed.

Moved by Lewis and seconded by Kuehn to approve the extension of Conditional Use Permit / CU 21-39 with the following eighteen (18) conditions:

- 1. That the Recreational Vehicle (RV) Park shall consist of no more than 6 RV sites;**
- 2. That the RV park be for personal use only, and no commercial use is allowed, and operate up to 180 days per calendar year;**
- 3. That the RV park not be utilized as a nightly, weekly vacation rental, or commercial use;**
- 4. That the RV Park can only be operated after the approved OSWTS has been installed;**
- 5. That all RVs dispose of waste through the approved OSWTS;**
- 6. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);**
- 7. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Custer Gulch Road;**
- 8. That each RV site has a lot number clearly posted;**
- 9. That a minimum 10-foot separation be maintained between each RV site;**
- 10. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;**
- 11. That the minimum setback requirements of Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 12. That the minimum 58-foot Section Line setback be maintained on the property;**
- 13. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
- 14. That the subject property remains free of debris and junk vehicles;**

15. **That the applicant adheres to PCZO § 510;**
16. **That this Conditional Use Permit be reviewed if the RV park is no longer utilized for personal use;**
17. **That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,**
18. **That this Conditional Use Permit be reviewed in 6 months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT / CU 22-44: Rodney Alexander. To allow an Accessory Dwelling Unit on the subject property in a Rural Residential District in accordance with Sections 207, 324, and 510 of the Pennington County Zoning Ordinance.

Lot 15R, Burns Placer MS 697, Section 24, T1S, R4E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an Accessory Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-44 with the following sixteen (16) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the applicants obtain an approved Building Permit for the ADU;
3. That prior to the submittal of a building permit, the applicant obtain an Approach Permit from the County Highway Department.
4. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
5. That the ADU has a residential appearance and cannot be a Recreational Vehicle;
6. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Deerfield Road so they are clearly visible, in accordance with Pennington County Ordinance #20;
7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
8. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;

9. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
13. That at least 1 off-street parking space be provided for the ADU;
14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
15. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by McGregor to approve of Conditional Use Permit / CU 22-44 with the following sixteen (16) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the applicants obtain an approved Building Permit for the ADU;**
- 3. That prior to the submittal of a building permit, the applicant obtain an Approach Permit from the County Highway Department.**
- 4. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 5. That the ADU has a residential appearance and cannot be a Recreational Vehicle;**
- 6. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Deerfield Road so they are clearly visible, in accordance with Pennington County Ordinance #20;**

7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
8. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
9. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
13. That at least 1 off-street parking space be provided for the ADU;
14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
15. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

9. CONDITIONAL USE PERMIT / CU 22-46: Brian Baxter; KPJP, LLC. To allow a Vacation Home Rental in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Baxter Subdivision, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 22-46 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six (6) people and the maximum

daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);

2. That 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 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 prior to operation of the Vacation Home Rental, the applicant obtain an Approach Permit from County Highway;
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 prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of one off-street parking space per bedroom be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (7601 Pioneer Drive) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Pioneer Drive, 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 Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Brian Baxter, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;

13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That the applicants 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;
15. That an approved Building Permit be obtained for any future 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 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Conditional Use Permit / CU 22-46, with amended language in Condition #3, with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
- 2. That 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 DANR;**
- 3. That no open fires, fireworks, or sparklers be allowed on the property;**
- 4. That prior to operation of the Vacation Home Rental, the applicant obtain an Approach Permit from County Highway;**
- 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 prior to operation of the Vacation Home Rental;**
- 6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;**
- 7. That a minimum of one off-street parking space per bedroom be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**

8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (7601 Pioneer Drive) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Pioneer Drive, 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 Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Brian Baxter, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That the applicants 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;
15. That an approved Building Permit be obtained for any future 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 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

10. CONDITIONAL USE PERMIT / CU 22-47: Travis Crisman. To allow a contractor's storage yard in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

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

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a contractor's storage yard on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-47 with the following fourteen (14) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
2. That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;
3. That prior to operation, the applicant's obtain an Operating License for the Onsite Wastewater Treatment System for the single-family residence;
4. That dust control measures be implemented to reduce the amount of dust from trucks and equipment leaving and entering the storage yard;
5. That any bulk chemicals, fuel, and liquid refuse stored on the site have secondary containment;
6. That any lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
7. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift;
8. That erosion control measures be implemented to prevent sediment leaving the site;
9. That the property remains free of junk and debris at all times;
10. That upon completion of the project, all equipment, structures, and stockpiles associated with the storage yard be removed;
11. That the site be revegetated as required by PCZO § 507(N);
12. That all natural drainage paths be continually maintained;
13. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,

14. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO and Conditions of Approval.

Discussion followed.

Moved by Kuehn and seconded by McGregor to approve of Conditional Use Permit / CU 22-47 with the following fourteen (14) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
2. That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;
3. That prior to operation, the applicant's obtain an Operating License for the Onsite Wastewater Treatment System for the single-family residence;
4. That dust control measures be implemented to reduce the amount of dust from trucks and equipment leaving and entering the storage yard;
5. That any bulk chemicals, fuel, and liquid refuse stored on the site have secondary containment;
6. That any lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
7. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift;
8. That erosion control measures be implemented to prevent sediment leaving the site;
9. That the property remains free of junk and debris at all times;
10. That upon completion of the project, all equipment, structures, and stockpiles associated with the storage yard be removed;
11. That the site be revegetated as required by PCZO § 507(N);
12. That all natural drainage paths be continually maintained;

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

All voting aye, the Motion carried 7 to 0.

Moved by Lewis and seconded by Coleman to wave rules to discuss directly related and similar Agenda Items #11 and #12 at the same time. All voting aye, the Motion carried 7 to 0.

Commissioner Burton left the meeting at 9:42 a.m.

Commissioner Burton returned to the meeting at 9:43 a.m.

11. COMPREHENSIVE PLAN AMENDMENT / CA 22-20: Brian Schroeder; Davis Engineering - Agent To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District to Ranchette District.

Staff recommended to continue Comprehensive Plan Amendment / CA 22-20 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

Discussion followed.

Moved by McGregor and seconded by Lewis to continue Comprehensive Plan Amendment / CA 22-20 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

All voting aye, the Motion carried 7 to 0.

12. REZONE / RZ 22-27: Brian Schroeder; Davis Engineering - Agent. To rezone 14.17 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Rezone / RZ 22-27 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

Discussion followed.

Moved by Rossknecht and seconded by Coleman to continue Rezone / RZ 22-27 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

All voting aye, the Motion carried 7 to 0.

13. MINOR PLAT / MPL 22-52: Lynn Hanson. To subdivide and create Lots 2A and 2B, Block 2, Thovson Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 Revised Less Lot AR and Lot B of Lot 2 Revised, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2A and 2B, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lots 2A and 2B, Block 2, Thovson Subdivision.

Staff recommended approval of Minor Plat / MPL 22-52, with the following six (6) conditions:

1. That prior to the filing the mylar with the Register of Deeds, the applicant addresses the Register of Deeds comments;
2. 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;
3. That prior to filing the mylar at Register of Deeds, the certificate on the Plat for the Planning Commission be fixed;

4. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
5. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 303 of the Pennington County Subdivision Regulations; and,
6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Minor Plat / MPL 22-52, with the following six (6) conditions:

- 1. That prior to the filing the mylar with the Register of Deeds, the applicant addresses the Register of Deeds comments;**
- 2. 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;**
- 3. That prior to filing the mylar at Register of Deeds, the certificate on the Plat for the Planning Commission be fixed;**
- 4. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;**
- 5. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 303 of the Pennington County Subdivision Regulations; and,**
- 6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met.**

All voting aye, the Motion carried 7 to 0.

14. CONDITIONAL USE PERMIT / CU 22-45: Lynn Hanson. To allow an Efficiency Dwelling Unit on the subject property in an Agriculture District in accordance with Sections 205, 330, and 510 of the Pennington County Zoning Ordinance.

Lot 2 Revised Less Lot AR and Lot B of Lot 2 Revised, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an Efficiency Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-45 with the following thirteen (13) conditions:

1. That only 1 efficiency dwelling be allowed;
2. That the applicant obtains an approved Building Permit for the efficiency dwelling;
3. That prior to operation, the efficiency dwelling be permanently anchored to the ground, with the wheels removed;
4. That prior to operation, the efficiency dwelling be skirted to have a residential appearance and *not* be converted back to a Recreational Vehicle;
5. That the efficiency dwelling *not* exceed 400 square feet;
6. That the address assigned to the efficiency dwelling be posted on the residence and at the end of the driveway where it intersects Highway 40 so it is clearly visible, in accordance with Pennington County Ordinance #20;
7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
8. That all necessary permits are obtained prior to any additions/ alterations to the efficiency dwelling or additions/alterations to the OSWTS;
9. That at least 2 off-street parking spaces be provided for the efficiency dwelling;
10. That the efficiency dwelling be continually utilized and maintained in accordance with all requirements of § 330 of the PCZO;
11. 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;
12. That if the property is ever transferred or sold, the efficiency dwelling be removed from the property and this CUP end; and,
13. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Burton and seconded by Coleman to approve of Conditional Use Permit / CU 22-45 with the following thirteen (13) conditions:

- 1. That only 1 efficiency dwelling be allowed;**
- 2. That the applicant obtains an approved Building Permit for the efficiency dwelling;**
- 3. That prior to operation, the efficiency dwelling be permanently anchored to the ground, with the wheels removed;**
- 4. That prior to operation, the efficiency dwelling be skirted to have a residential appearance and *not* be converted back to a Recreational Vehicle;**
- 5. That the efficiency dwelling *not* exceed 400 square feet;**
- 6. That the address assigned to the efficiency dwelling be posted on the residence and at the end of the driveway where it intersects Highway 40 so it is clearly visible, in accordance with Pennington County Ordinance #20;**
- 7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);**
- 8. That all necessary permits are obtained prior to any additions/ alterations to the efficiency dwelling or additions/alterations to the OSWTS;**
- 9. That at least 2 off-street parking spaces be provided for the efficiency dwelling;**
- 10. That the efficiency dwelling be continually utilized and maintained in accordance with all requirements of § 330 of the PCZO;**
- 11. 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;**
- 12. That if the property is ever transferred or sold, the efficiency dwelling be removed from the property and this CUP end; and,**
- 13. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting, the Motion carried 4 to 3. Commissioners Coleman, Burton, Rossknecht, and Kuehn voted yes. Commissioners McGregor, Lewis and Johnson voted no.

15. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-13: Blue Wing Recreation Corporation; Ron Rossknecht. To amend the existing Planned Unit Development to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 0129A; All Less the North 10 acres and Less Tract 0129C of Malory Lode MS 1483; Part of Hudson Lode MS 1483; Part of Just Lode MS 1483; and Lot 1 Less Right-of-Way of Boulder #3 Lode MS 1483 all located in Section 13, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the October 11, 2022, Planning Commission meeting.)

Commissioners Rossknecht and Burton stated they would abstain from voting on this item.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment / PU 22-13 to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet.

Staff recommended approval of Major Planned Unit Development Amendment / PU 22-13, with the following nine (9) conditions:

1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;
2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;
4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;
5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Bluewing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;
6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;

7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,
9. That this Planned Unit Development be reviewed on a complaint basis only.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Major Planned Unit Development Amendment / PU 22-13 with the following nine (9) conditions:

- 1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;**
- 2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;**
- 3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;**
- 4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;**
- 5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Bluewing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;**
- 6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;**

7. **That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;**
8. **That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,**
9. **That this Planned Unit Development be reviewed on a complaint basis only.**

All voting, the Motion carried 5 to 0. Commissioners Rossknecht and Burton abstained.

16. CONDITIONAL USE PERMIT REVOCATION / CU 71-04: David Allard. To revoke a mobile home park in a Commercial District in accordance with Sections 211, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR Right-of-Way Across Lot 1, Subdivision of Section 31, 2N-6E, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating this is a Revocation Hearing of the applicant's Conditional Use Permit to allow a mobile home park.

Staff recommended to end Conditional Use Permit / CU 71-04.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to continue Conditional Use Permit / CU 71-04 to the November 14, 2022, Planning Commission meeting in order for the applicant to address Ordinance Violations on the property.

All voting aye, the Motion carried 7 to 0.

Moved by Burton and seconded by McGregor to wave rules to discuss directly related and similar Agenda Items #17, #18, and #19 at the same time. All voting aye, the Motion carried 7 to 0.

17. ORDINANCE AMENDMENT / OA 22-09: Pennington County. To add Section 517 "Special Permitted Uses" [to add Section 517 "Special Permitted Uses"] to the Pennington County Zoning Ordinance.

Theunissen reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 517 Special Permitted Uses to the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-09.

Discussion followed.

Moved by Lewis and seconded by Coleman to approve of Ordinance Amendment / OA 22-09.

All voting aye, the Motion carried 7 to 0.

18. ORDINANCE AMENDMENT / OA 22-10: Pennington County. To amend Section 204 “General District Provisions” [to amend and supersede the existing 204 “General District Provisions”] of the Pennington County Zoning Ordinance.

Theunissen reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 204 General District Provisions of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-10.

Discussion followed.

Moved by McGregor and seconded by Burton to approve of Ordinance Amendment / OA 22-10.

All voting aye, the Motion carried 7 to 0.

19. ORDINANCE AMENDMENT / OA 22-11: Pennington County. To amend Section 103 “Definitions” [to amend and supersede the existing 103 “Definitions”] of the Pennington County Zoning Ordinance.

Theunissen reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 103 Definitions of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-11.

Discussion followed.

Moved by Burton and seconded by Lewis to approve of Ordinance Amendment / OA 22-11.

All voting aye, the Motion carried 7 to 0.

20. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the October 11th meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

- A. Planning Department. Theunissen stated that TJ Doreff has been hired for the Environmental Planner position and the Building Inspection position is now open.

23. ITEMS FROM THE MEMBERSHIP

Chairman Johnson spoke of Robert Rules of Order.

24. ADJOURNMENT

Moved by Lewis and seconded by McGregor to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:14 a.m.

Charlie Johnson, Chairperson