

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

November 22, 2021 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Karen McGregor, Charlie Johnson, Jim Coleman, Sande Runde, Mikal Lewis, and Gary Drewes.

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 8, 2021, MINUTES
Moved by Johnson and seconded by Drewes to approve the Minutes of the November 8, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Drewes and seconded by Runde to approve the Agenda of the November 22, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Runde and seconded by Johnson to approve the Consent Agenda of the November 22, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 19-30:** Harry and Gail McKane. To review the existing residence (Morton building) as a Guest House in an Agriculture District in accordance with Sections 205, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-30 with the following nine (9) conditions.

1. **That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;**

2. That the Guest House shall not be used for more than 180 days per calendar year;
3. That the primary dwelling continue to be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO Section 318(B)(10);
4. That the deed restriction continue to be maintained at the Register of Deeds;
5. That both addresses assigned for the primary residence and the Guest House continue to be posted on each structure and at the end of the driveway so they are clearly visible from Deerfield Park Drive, in accordance with Pennington County Ordinance #20;
6. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO Section 318;
7. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
8. That prior to any work within the 100-year floodplain, the applicant obtain an approved Floodplain Development Permit; and,
9. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 19-32:** Jeff and Marcia Spilker. To review a garage with living quarters to be used as a Guest House in a Rural Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-32 with the following nine (9) conditions:

1. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
2. That the Guest House shall not be used for more than 180 days per calendar year;

3. That the primary dwelling continue to be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO Section 318(B)(10);
4. That all necessary utilities for the Guest House continue to be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
5. That 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;
6. That the deed restriction continue to be maintained at the Register of Deeds;
7. That both of the addresses assigned for the primary residence and the Guest House continue to be clearly posted on each structure and at the driveway so that they are visible from both directions of U.S. Highway 385, in accordance with Pennington County's Ordinance #20;
8. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on Section 318; and,
9. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 20-15:** Greg Helgeson. To review a single-wide mobile home to be used as a single-family residence on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4NE1/4 (aka W1/2 GL 1), Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the October 25, 2021, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 20-15 to the December 13, 2021, Planning Commission meeting with the following one (1) condition:

1. That this Conditional Use Permit ends, if the property is not brought into compliance by December 8, 2021.

Vote: unanimous 7 to 0.

6. **MINOR PLAT / MPL 21-75**: Kevin and Jeanette Grover. To subdivide and create Lots 2R1 and 2R2 of Grover Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2R, Grover Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2R1 and 2R2 of Grover Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 21-75 with the following five (5) conditions:

1. **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;**
2. **That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
3. **That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
4. **That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
5. **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.**

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

7. **CONDITIONAL USE PERMIT / CU 21-63**: Curtis and Denise Neukircher. To allow an accessory structure as a primary structure on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 7, Slate Creek Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 21-63 with the following nine (9) conditions:

1. That within 30 days of the approval of this Conditional Use Permit, the applicant pays any associated penalty fees of this Conditional Use Permit and the Building Permit;
2. That within 30 days of the approval of this Conditional Use Permit, the applicant obtains an approved Approach Permit from the Prospect Road District;
3. That the address (11753 Prospect Road) be properly posted on the structure and at the end of the driveway where it intersects with Prospect Road, in accordance with Penning County Ordinance #20;
4. That the existing shed be used for personal use only, no commercial-type use is allowed;
5. That the minimum setback requirements for a Rural Residential District be maintained on the property;
6. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
7. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
9. That this Conditional Use Permit be reviewed no later than the January 10, 2022, Planning Commission meeting 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 21-63 with the following nine (9) conditions:

- 1. That within 30 days of the approval of this Conditional Use Permit, the applicant pays any associated penalty fees of this Conditional Use Permit and the Building Permit;**

2. **That within 30 days of the approval of this Conditional Use Permit, the applicant obtains an approved Approach Permit from the Prospect Road District;**
3. **That the address (11753 Prospect Road) be properly posted on the structure and at the end of the driveway where it intersects with Prospect Road, in accordance with Penning County Ordinance #20;**
4. **That the existing shed be used for personal use only, no commercial-type use is allowed;**
5. **That the minimum setback requirements for a Rural Residential District be maintained on the property;**
6. **That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;**
7. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
8. **That the applicant adheres to Pennington County Zoning Ordinance § 510; and,**
9. **That this Conditional Use Permit be reviewed no later than the January 10, 2022, Planning Commission meeting to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT / CU 21-64: Jane Patnoe; Don Patnoe - Agent. To allow a tiny home/park model as a primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All of Climax Lode MS 942, Section 12, T1S, R4E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a tiny home/park model as a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-64 with the following six (6) conditions:

1. That a Building Permit be obtained for the proposed tiny home/park model and any associated penalty fees be paid;

2. That a temporary address be assigned and clearly posted on the structure and at the intersection of Log Cabin Road and the existing driveway, in accordance with Pennington County Ordinance #20;
3. That within 60 days, the driveway currently used to access the subject property be named, per Emergency Services comments;
4. That once the road is named, a permanent address be assigned and posted and clearly posted on the structure so as to be visible from the to-be-named road, in accordance with Pennington County Ordinance #20
5. That the minimum setback requirements of an Agriculture District be continually maintained on the property; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by McGregor to continue Conditional Use Permit / CU 21-64 to the December 13, 2021, Planning Commission meeting in order for the applicant to meet with Staff and the Emergency Services Communication Center to discuss the naming of the road.

All voting aye, the Motion carried 7 to 0.

9. LAYOUT PLAN / LPL 21-76: Rockerville Gold Town, LLC. To reconfigure lot lines to create Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That part of the SE1/4 SE1/4 of Section 14, T1S, R6E, BHM lying South of the U.S. Highway 16 Westbound R.O.W., Less Lot 1 thereof and less highway R.O.W.; Common Lot B, Lots 6-15, Lot 17, and Tract B-1 and Tract B-2 all of Rockerville Ghost Town Subdivision, Section 13, T1S, R6E; and Lot A of Lot H-2 (aka Lot H2) in the SW1/4 SW1/4 of Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 1, 2, 3 and 4 of Rockerville Gold Town Subdivision, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines to create Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision.

Staff recommended approval of Layout Plan / LPL 21-76 with the following nineteen (19) conditions:

1. That at the time of Preliminary Plat submittal, the applicant shall provide percolation test results to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
2. That at the time of submittal of the Preliminary Plat, the applicant shall either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in Section 400.2.2.e of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement;
3. That at the time of submittal of the Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement;
4. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or obtain an approved Subdivision Regulations Variance waiving this requirement;
5. That at the time of submittal of the Preliminary Plat, a drainage study be submitted to verify that post development flows do not exceed pre-development flows as required in Section 400.2.2.s;
6. That at the time of submittal of the Preliminary Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That prior to Final Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
10. That drainage improvements be made to address post development storm water flows prior to issuance of any further Building Permits;
11. That at the time of Final Plat submittal, 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.);

12. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
13. 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;
14. That at the time of Final Plat submittal, the water system serving Rockerville Gold Town Planned Unit Development be approved by the South Dakota Department of Agriculture and Natural Resources;
15. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
17. That prior to Preliminary Plat submittal, Lot A of Lot H2 must be added to the formally description in the plat heading;
18. That the roads within the development be built to Ordinance 14 Standards; and,
19. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Runde and seconded by McGregor to approve of Layout Plan / LPL 21-76 with the following nineteen (19) conditions:

- 1. That at the time of Preliminary Plat submittal, the applicant shall provide percolation test results to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 2. That at the time of submittal of the Preliminary Plat, the applicant shall either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in Section 400.2.2.e of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement;**
- 3. That at the time of submittal of the Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain an**

approved Subdivision Regulations Variance be obtained waiving this requirement;

4. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or obtain an approved Subdivision Regulations Variance waiving this requirement;
5. That at the time of submittal of the Preliminary Plat, a drainage study be submitted to verify that post development flows do not exceed pre-development flows as required in Section 400.2.2.s;
6. That at the time of submittal of the Preliminary Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That prior to Final Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
10. That drainage improvements be made to address post development storm water flows prior to issuance of any further Building Permits;
11. That at the time of Final Plat submittal, 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.);
12. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
13. 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;
14. That at the time of Final Plat submittal, the water system serving Rockerville Gold Town Planned Unit Development be approved by the South Dakota Department of Agriculture and Natural Resources;
15. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;

16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
17. That prior to Preliminary Plat submittal, Lot A of Lot H2 must be added to the formally description in the plat heading;
18. That the roads within the development be built to Ordinance 14 Standards; and,
19. 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 7 to 0.

10. PRELIMINARY PLAT / PPL 21-77: JKRK Properties, LLC / Laredo Holdings, LLC; Ryan Kaski. To create Lots 1-21 of Block 7, Lots 8-16 of Block 8, and Lots 9-17 of Block 9 of Sunset Ranch Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

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

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

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

Staff recommended approval of Preliminary Plat / PPL 21-77 with the following fourteen (14) conditions:

1. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
2. That at the time of submittal of the Final Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That drainage improvements be made to address post development storm water flows prior to issuance of any Building Permits for Phase 1 or Phase 2;

4. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or an approved Subdivision Regulation Variance is obtained waiving this surety requirement;
5. 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.);
6. 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;
7. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
8. 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;
9. 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;
10. That prior to filing the mylar with the Register of Deeds, Planned Unit Development / PU 08-10 is updated to include the new lots;
11. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
12. That at the time of submittal of the Final Plat, a new road name is approved by Emergency Services for Ironwood Court and the new name indicated on the mylar;
13. 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,
14. That the roads within the development must be built to Ordinance 14 Standards.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of Preliminary Plat / PPL 21-77 with the following fourteen (14) conditions:

1. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
2. That at the time of submittal of the Final Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That drainage improvements be made to address post development storm water flows prior to issuance of any Building Permits for Phase 1 or Phase 2;
4. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or an approved Subdivision Regulation Variance is obtained waiving this surety requirement;
5. 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.);
6. 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;
7. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
8. 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;
9. 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;
10. That prior to filing the mylar with the Register of Deeds, Planned Unit Development / PU 08-10 is updated to include the new lots;
11. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
12. That at the time of submittal of the Final Plat, a new road name is approved by Emergency Services for Ironwood Court and the new name indicated on the mylar;

13. 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,

14. That the roads within the development must be built to Ordinance 14 Standards.

All voting aye, the Motion carried 7 to 0.

11. REZONE / RZ 21-30: Paul HH Reinke Family Trust; Renner Associates - Agent. To rezone 9.541 acres from Suburban Residential District to Agriculture District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Commencing at the northeasterly corner of Lot 1 of Block 2 of Copper Oaks #3 Subdivision, common to a point on the southerly edge of Wild Turkey Way right-of-way, and the point of beginning. Thence, first course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the left, on a curve with a radius of 133.00 feet, a delta angle of 26°46'38", a length of 62.16 feet, a chord bearing of N 35°11'46" E, and chord distance of 61.59 feet; Thence, second course: along the southerly edge of said Wild Turkey Way right-of-way, N 22°44'38" E, a distance of 207.70 feet; Thence, third course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 117.00 feet, a delta angle of 37°56'31", a length of 77.48 feet, a chord bearing of N 41°46'05" E, and chord distance of 76.07 feet; Thence, fourth course: along the southerly edge of said Wild Turkey Way right-of-way, N 60°46'34" E, a distance of 176.79 feet; Thence, fifth course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 158.90 feet, a delta angle of 29°09'51", a length of 80.88 feet, a chord bearing of N 75°14'28" E, and chord distance of 80.01 feet, to a point on the section line common to Sections 7 and 8, T1S, R7E, BHM; Thence, sixth course: along the said section line, S 00°13'31" W, a distance of 1317.71 feet, to a point on the section ¼ line of said Section 7; Thence, seventh course: along the said section ¼ line, N 89°59'36" W, a distance of 66.80 feet, to a point on the northerly edge of Wilderness Canyon Road right-of-way; Thence, eighth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the left, on a curve with a radius of 560.13 feet, a delta angle of 13°14'06", a length of 129.39 feet, a chord bearing of N 41°13'32" W, and chord distance of 129.10 feet; Thence, ninth course: along the northerly edge of said Wilderness Canyon Road right-of-way, N 47°50'42" W, a distance of 218.98 feet; Thence, tenth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the right, on a curve with a radius of 410.94 feet, a delta angle of 10°17'55", a length of 73.86 feet, a chord bearing of N 42°40'14" W, and chord distance of 73.76 feet; Thence, eleventh course: along the northerly edge of said Wilderness Canyon Road right-of-way, N 37°29'10" W, a distance of 49.76 feet, to the southeasterly corner of said Lot 1; Thence, twelfth course: along the easterly boundary of said Lot 1, N 00°09'14" E, a distance of 574.59 feet, to the said Point of Beginning. Said Parcel contains 9.541 acres more or less.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 9.541 acres from Suburban Residential District to Agriculture District.

Staff recommended to continue Rezone / RZ 21-30 until the Plat has been filed at the Register of Deeds.

Discussion followed.

Moved by Runde and seconded by Lewis to continue Rezone / RZ 21-30 to the January 24, 2022, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

12. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-15: Douglas Schlabach. To amend an existing Planned Unit Development to reduce the Common Area from 73 acres to 9.67 acres in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract Tank; Tract 40 Rev-2; Tract 36A; Tract 41; Tract 37, Tract 38, Tract 32 Rev-2; Tract 36B; Tract 35; Tract 34-Rev; Tract 30 Rev-2; Tract 31 Revised; Tract 28; Tract 29; Tract 27; Tract 25; Tract 24; Tract 26 Revised; Tract 22; Tract 20; Tract 18; Tract 16; Tract 12R; Tract 9; Tract 6; Tract 2; Lot J of Tract Well; Lot K of Tract Well; That Part of Tract 23 Located in Section 17 (Custer School District); Tract 21; Tract 19; Tract 17R; Tract 15; Tract 13; Tract 11; Tract 10; Tract 8; Tract 7; Tract 5; Tract 4; Tract 3; Tract 1; Tract 78R; Tract 77; Tract 76; Tract 75; Tract 64; Tract 73; Tract 72; Tract 71; Tract 70; Tract 69; Tract 68; Tract 67; Tract 66; Tract 65R; and Tract 64R; Tract 63; Tract 62; Tract 61; Tract 60; Tract 58; Tract 59; Tract 42; Lots A-G; Lot J; Lot K; Lots 1, 2, 3, and 4 of Tract 57; Tract 56; Tract 55 Revised; Tract 53; Tract 52; Tract 49; Tract 50; Tract 51; Tract 48; Tract 47; Tract 46 Revised; Tract 43; Tract 44; Tract 45 Revised all located in Rushmore Ranch Estates Subdivision in Sections 7, 8, and 17, T2S, R7E, and SE1/4 Less Rushmore Ranch Estates; NE1/4 Less Tract B.R.C. of Rushmore Ranch Estates Subdivision; Tract B.R.C. of Rushmore Ranch Estates; and Lot 4 of Block 2 of Mountain Meadows Subdivision; NW1/4 Less Rushmore Ranch Estates Subdivision Less Mountain Meadows Subdivision Less ROW; NE1/4SW1/4 Less Rushmore Ranch Estates Subdivision and Less Row; Lot 3 of Block 3; Lot 3 of Block 2; Lot 2 of Block 2; Lot 1 of Block 2; Lot 2 of Block 3; Lot 1 of Block 3; Common Lot B of Block 5; of Mountain Meadows Subdivision; Lot 4 of Block 1; Common Lot A of Block 1; Lot 3 of Block 1; Lot 2 of Block 1; and Lot 1 of Block 1 all located in Mountain Meadows Subdivision; Sections 7, 8, 17, and 18, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to reduce the Common Area in the development from 73 acres to 9.67 acres.

Staff recommended approval of Major Planned Unit Development Amendment 21-15 with the following twelve (12) conditions:

1. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;

2. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;
3. That all single-family residences be constructed on lots containing three acres or more;
4. That a minimum of 9.67 acres of common area be provided;
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;
8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
10. That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
12. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Major Planned Unit Development Amendment / PU 21-15 with the following twelve (12) conditions:

- 1. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;**
- 2. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;**

3. That all single-family residences be constructed on lots containing three acres or more;
4. That a minimum of 9.67 acres of common area be provided;
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;
8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
10. That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
12. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development.

All voting aye, the Motion carried 7 to 0.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their November 8th meeting, with the exception of:

TAX INCREMENT FINANCE DISTRICT #6: Pink Cabin, LLC which was continued to the December 7th Board meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

There were no items from staff.

16. ITEMS FROM THE MEMBERSHIP

Chairman Marsh thanked the Planning Department staff.

17. ADJOURNMENT

Moved by McGregor and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:04 a.m.

Rich Marsh, Chairperson