

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 13, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Karen McGregor, Charlie Johnson, Jim Coleman, Mikal Lewis, and Deb Hadcock.

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 22, 2021, MINUTES
Moved by Johnson and seconded by McGregor to approve the Minutes of the November 22, 2021, Planning Commission meeting, with a correction to Item #12 on page 16 to note that there are 12 Conditions of Approval. Vote: unanimous 6 to 0.

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

Moved by Coleman and seconded by McGregor to approve the Consent Agenda of the December 13, 2021, Planning Commission meeting, with the removal of Items #5 and #7. 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 05-14:** Desirae Kursave. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208-C-19 and 510 of the Pennington County Zoning Ordinance.

N1/2 of Lot A of Lot 4; Lot B of Lot 4; Lot C of Lot 4, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the October 11, 2021, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 05-14 to the April 11, 2022, Planning Commission meeting with the following three (3) conditions:

1. That the applicant removes or licenses all vehicles on the property;
2. That the applicant removes junk and debris from the property; and,
3. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in April 2022.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-39:** Colonial Pine Hills Sanitary District/Jim Martin. To review an office building to serve the Colonial Pine Hills Sanitary District in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1B, Block 1, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-39 with the following ten (10) 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 the applicant continually adhere to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;
3. That the structure only be allowed as an administration office to be used by members of the Colonial Pine Hills Sanitary District and not as a residence;
4. That all aspects of the business continue to be conducted entirely within an enclosed structure and no stock in-trade shall be displayed outside the enclosed structure;
5. That reasonable measures continue to be taken to control odors, fumes, dust, noise, vibration, and lighting resulting from the business so as to not constitute a nuisance to the general public;
6. That the applicant continue to take reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
7. That the address for the property continue to be properly posted in accordance with Pennington County's Ordinance #20;
8. That the off-street parking requirements for professional offices continue to be followed at all times, per Pennington County Zoning Ordinance § 310(A)(9)(b);

9. That a Sign Permit be obtained for any sign on the subject property and must conform to all regulations in § 312 of the Pennington County Zoning Ordinance; and,
10. 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 Conditions of Approval are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 20-12:** Michael and Marella Anderson. To review a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 9, Stratmeyer Addition, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-12 with the following ten (10) conditions.

1. 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;
2. That the address for the Guest House and the primary residence continue to be clearly posted on each of the structures and at the driveway so that it is visible from Earl Court, in accordance with Pennington County's Ordinance #20;
3. That the minimum setback requirements of a Rural Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
4. 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;
5. That the Guest House shall not be used for more than 180 days per calendar year;
6. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PZCO Section 318 (B)(10);
7. That the Guest House be continually utilized and maintained in accordance with all requirements of Section 318;

8. That the deed restriction continues to be maintained with the Register of Deeds stating the regulations applicable to the Guest House, including 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);
9. That the subject property remains free of debris and junk vehicles; and,
10. That this Conditional Use Permit be reviewed 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.

Vote: unanimous 6 to 0.

8. **MINOR PLAT / MPL 21-84**: Caputa Acres, LLC; Milton Gutknecht. To create Tract 1 of Caputa Acres Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3, Tract 1 of Lot 4 Less RTY (2.17 AC), Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of Caputa Acres Addition, Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 21-84 with the following seven (7) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That prior to filing the mylar at Register of Deeds, the map scale on the plat be 1-inch equals 100 feet;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked;
6. That Approach Permits are obtained from the County Highway Department prior to filing the Plat at Register of Deeds; 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.

9. **MINOR PLAT / MPL 21-85**: Connie and Detlev Prautzsch; KTM Design Solutions - Agent. To subdivide and create Lots 1 and 2 of Storm Hill Subdivision No. 2 in accordance with Section 400.3 of the Pennington County 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.

To recommend approval of Minor Plat / MPL 21-85 with the following nine (9) conditions:

1. 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;
2. 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;
3. That the plat scale be 1 inch = 100 feet;
4. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
5. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
6. 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;
7. That prior to the mylar being Filed at Register of Deeds, the applicant improves Palmer Gulch Road the agreed upon conditions as determined by the County Highway Department and the Board of Commissioners;

8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
9. That an existing shed be removed from the right-of-way and if the shed is placed on the subject property it meets all required setbacks.

Vote: unanimous 6 to 0.

10. **MINOR PLAT / MPL 21-86:** Jeffrey Scherr. To reconfigure lot lines and create Lot D1 Revised and Lot D2 Revised of Lot 17 in Fort Meade Placer No. 244 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots D1 and D2 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 Revised and Lot D2 Revised of Lot 17 in Fort Meade Placer No. 244, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 21-86 with the following seven (7) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That prior to filing the mylar at Register of Deeds, the map scale on the plat be 1-inch equals 100 feet;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked;
6. That prior to filing the mylar with the Register of Deeds approval for a second approach be obtained; 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.

Vote: unanimous 6 to 0.

11. **MINOR PLAT / MPL 21-87**: Randy and Peggy Sogge; Fisk Land Surveying - Agent. To subdivide and create Lots 3RA and 3RB of Block 2 of Dead Broke Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3R, Block 2, Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3RA and 3RB of Block 2 of Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 21-87 with the following seven (7) conditions:

1. **That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
2. **That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
3. **That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
4. **That prior to filing the mylar at Register of Deeds, the map scale on the plat be 1-inch equals 100 feet;**
5. **That the applicant ensures all-natural drainage ways are maintained and not blocked;**
6. **That prior to filing the mylar with the Register of Deeds approval for a second approach be obtained; 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

5. CONDITIONAL USE PERMIT REVIEW / CU 20-09: David and Janelle Goergen. To review the existing double-wide mobile home to be converted into a garage with the living quarters being removed in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 2-R, Block 1, Palmer Subdivision Addition, Section 14, T2N, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 20-09 with seven (7) conditions.

Discussion followed.

Moved by Johnson and seconded by McGregor to approve the extension of Conditional Use Permit / CU 20-09 with the following seven (7) conditions:

- 1. 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;**
- 2. That the address continue to be clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);**
- 4. That the double-wide mobile home continue to be used as a shed with no living quarters;**
- 5. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
- 6. That the subject property remains free of debris and junk vehicles; and,**
- 7. That this Conditional Use Permit be reviewed in three (3) years, 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.**

All voting aye, the Motion carried 6 to 0.

7. 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 November 22, 2021, Planning Commission meeting.)

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

Staff recommended to continue the review of Conditional Use Permit / CU 20-15 to the January 10, 2022, Planning Commission meeting with one condition.

Discussion followed.

Moved by Hadcock and seconded McGregor to continue the review of Conditional Use Permit / CU 20-15 to the January 10, 2022, Planning Commission meeting with the following one (1) condition:

- 1. That the applicant submits a Conditional Use Permit Amendment application by December 15, 2021.**

All voting aye, the Motion carried 6 to 0.

12. REZONE / RZ 21-31: William and Marilou Carlson. To rezone 1.08 acres from Agriculture District to Low Density Residential District in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 54, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 1.08 acres from Agriculture District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 21-31.

Discussion followed.

Moved by Johnson and seconded by Lewis to approve of Rezone / RZ 21-31.

All voting aye, the Motion carried 6 to 0.

13. LAYOUT PLAN / LPL 21-83: Laura Henney and Erik Karlson; KTM Design Solutions-Agent. To combine two lots to create Lot 13R in Block A of Edelweiss Mountain Development in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 13 and 14, Block A, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 13R, Block A, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots to create Lot 13R in Block A of Edelweiss Mountain Development.

Staff recommended approval of Layout Plan / LPL 21-83 with the following nine (9) conditions:

1. That at the time of Minor Plat submittal, the Plat be prepared by a South Dakota Registered Land Surveyor;
2. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the plat meets the requirements of §§ 400.3 and 500.5 of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor Plat submittal, the applicants comply with the Register of Deeds comments contained in this report;
5. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That the applicant ensures all-natural drainage ways are maintained and not blocked;
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;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Coleman and seconded by Lewis to approve of Layout Plan / LPL 21-83 with the following nine (9) conditions:

- 1. That at the time of Minor Plat submittal, the Plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 3. That at the time of Minor Plat submittal, the plat meets the requirements of §§ 400.3 and 500.5 of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 4. That at the time of Minor Plat submittal, the applicants comply with the Register of Deeds comments contained in this report;**
- 5. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 6. That the applicant ensures all-natural drainage ways are maintained and not blocked;**
- 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;**
- 8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
- 9. 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. CONDITIONAL USE PERMIT / CU 21-65: Limestone Creek Ranch, LLC; Thomas Stowers - Owner. To allow a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319 and 510 of the Pennington County Zoning Ordinance.

Lot 4 Revised, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

Sack 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 21-65 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the State approval, be limited to ten (10) 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 sanitary district;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 21-65, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department 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 three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
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 (24420 Oak Meadow Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Oak Meadows Road, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;

11. That, if the person designated as the Local Contact is ever changed from Candace Jackson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any 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,
15. 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 Hadcock and seconded by Johnson to continue Conditional Use Permit / CU 21-65 to the January 10, 2022, Planning Commission meeting to address concerns of the Planning Commission.

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAN / LPL 21-82: No Bad Days Campground LLC; Rob Livingston. To subdivide and create Lots 1, 2, 3, 4 and Utility Lot of No Bad Days Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28 of T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4 and Utility Lot, No Bad Days Subdivision, Section 27 and Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 1, 2, 3, 4 and Utility Lot of No Bad Days Subdivision.

Staff recommended approval of Layout Plan / LPL 21-82 with eleven (11) conditions.

Discussion followed.

Moved by Hadcock and seconded by Johnson to hear Item #15 after Item #22 for discussion.

All voting aye, the Motion carried 6 to 0.

16. LAYOUT PLAN / LPL 21-78: ELS Properties, LLC; Rick Schulke. To subdivide and create Lots 3A, 3B, 3C, 3D, and 3E of Battle Creek Mountain Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3 and Lot A3 Less Lot H1 (also in Sections 17 and 19), Battle Creek Mountain Estates, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3A, 3B, 3C, 3D, and 3E of Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 3A, 3B, 3C, 3D, and 3E of Battle Creek Mountain Estates Subdivision.

Staff recommended approval of Layout Plan / LPL 21-78 with the following seventeen (17) conditions:

1. That at the time of submittal of the Preliminary Plat, the applicant must provide percolation test results and soil profile information 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 must show a 66-foot wide access easement to provide access to proposed lots 3A, 3C, 3D, and 3E of Battle Creek Mountain Estates Subdivision as required in Table 1 of the Subdivision Regulations or obtain a 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 a 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 a Subdivision Regulations Variance obtained to waiving this requirement;
5. 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;
6. 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;

7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That at the time of submittal of the Preliminary Plat, the proposed Plat be prepared by a Registered Land Surveyor;
9. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
10. 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;
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 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;
13. That the formerly needs to be amended to read Lot 3 and Lot A3 of Lot 3 Battle Creek Mountain Estates Subdivision;
14. That if access to Lot 3B will be off the section line, access from Highway 40 will need to be approved by SDDOT;
15. That any road built within/along the Section Line must be built to Ordinance 14 standards;
16. That the public right-of-way along Highway 40 be vacated in accordance with SDCL 31-3-6; and,
17. 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 Johnson and seconded by McGregor to approve of Layout Plan / LPL 21-78 with the following seventeen (17) conditions:

- 1. That at the time of submittal of the Preliminary Plat, the applicant must provide percolation test results and soil profile information 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 must show a 66-foot wide access easement to provide access to proposed lots 3A, 3C, 3D, and 3E of Battle Creek Mountain Estates Subdivision as required in**

Table 1 of the Subdivision Regulations or obtain a 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 a 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 a Subdivision Regulations Variance obtained to waiving this requirement;**
- 5. 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;**
- 6. 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;**
- 7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 8. That at the time of submittal of the Preliminary Plat, the proposed Plat be prepared by a Registered Land Surveyor;**
- 9. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;**
- 10. 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;**
- 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 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;**
- 13. That the formerly needs to be amended to read Lot 3 and Lot A3 of Lot 3 Battle Creek Mountain Estates Subdivision;**
- 14. That if access to Lot 3B will be off the section line, access from Highway 40 will need to be approved by SDDOT;**

15. **That any road built within/along the Section Line must be built to Ordinance 14 standards;**
16. **That the public right-of-way along Highway 40 be vacated in accordance with SDCL 31-3-6; and,**
17. **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.

17. LAYOUT PLAN / LPL 21-80: Gold Run III, LLC; Gregory Wittenberg. To consolidate two lots to create Lot 6 Revised of Gold Run Park Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 6 of Gold Run Park Subdivision, Section 5; and All Less Gold Run Park and Less Lot 1 of Hobart Sub located in Section 5 and Section 9, Matt Placer MS 1417, Section 8, T1S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 6 Revised of Gold Run Park Subdivision, Sections 5, 8, and 9, T1S, R3E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to consolidate two lots to create Lot 6 Revised of Gold Run Park Subdivision.

Staff recommended approval of Layout Plan / LPL 21-80 with the following thirteen (13) conditions:

1. That prior to submittal of the Preliminary Plat, the applicant must provide percolation test results and soil profile information 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 provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
3. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or a Subdivision Regulations Variance obtained to waiving this requirement;
4. 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;

5. 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;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of submittal for the Preliminary Plat, the proposed Plat be prepared by a Registered Land Surveyor;
8. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
9. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
10. That the owner's acknowledgement be changed to a corporate acknowledgement;
11. That an Approach Permit be obtained from the County Highway Department for the existing approach off of Gillette Prairie Road;
12. 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,
13. 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 Johnson and seconded by McGregor to approve of Layout Plan / LPL 21-80 with the following thirteen (13) conditions:

- 1. That prior to submittal of the Preliminary Plat, the applicant must provide percolation test results and soil profile information 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 provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 3. That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or a Subdivision Regulations Variance obtained to waiving this requirement;**

4. 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;
5. 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;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of submittal for the Preliminary Plat, the proposed Plat be prepared by a Registered Land Surveyor;
8. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
9. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
10. That the owner's acknowledgement be changed to a corporate acknowledgement;
11. That an Approach Permit be obtained from the County Highway Department for the existing approach off of Gillette Prairie Road;
12. 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,
13. 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.

18. LAYOUT PLAN / LPL 21-79: Marjorie Helgeson Trustee / Davis Engineering. To reconfigure lot lines to create Lot 3 Revised of SE1/4SW1/4, NE1/4NW1/4 (also in Section 10) in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL14 Less Payton Addition and Less ROW; GL 6 Less Lot 1, 2, and 3 and Less ROW; and Lot 3 of SE1/4SW1/4, NE1/4NW1/4 (Also in Section 10), Section 3, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3 Revised of SE1/4SW1/4 of Section 3 and NE1/4NW1/4 of Section 10, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen stated the Agent has requested this Item be continued to the January 10, 2022, Planning Commission meeting.

Moved by Hadcock and seconded by Johnson to continue Layout Plan / LPL 21-79 to the January 10, 2022, Planning Commission meeting, per the request of the Agent.

All voting aye, the Motion carried 6 to 0.

19. LAYOUT PLAN / LPL 21-81: Travis and Amanda Frink. To subdivide and create Lot 1 of Frink Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2S1/2NE1/4 Less Lot H2 and Less HWY ROW, Section 18, T1S, R16E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Frink Subdivision, Section 18, T1S, R16E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lot 1 of Frink Subdivision.

Staff recommended approval of Layout Plan / LPL 21-81 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, any legal means of access (easements or rights-of-way) to proposed Lot 1 be identified on the plat;
2. That at the time of Minor Plat submittal, the proposed subdivision name be changed per Register of Deeds comments;
3. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
4. 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;
5. 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;
6. 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;
7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 1 or an

approved Subdivision Regulations Variance be obtained, waiving these requirements;

8. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Comprehensive Plan Amendment and Rezone for proposed Lot 1 or obtains an approved Lot Size Variance;
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. 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 Hadcock and seconded by McGregor to approve of Layout Plan / LPL 21-81 with the following ten (10) conditions:

- 1. That at the time of Minor Plat submittal, any legal means of access (easements or rights-of-way) to proposed Lot 1 be identified on the plat;**
- 2. That at the time of Minor Plat submittal, the proposed subdivision name be changed per Register of Deeds comments;**
- 3. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 4. 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;**
- 5. 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;**
- 6. 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;**
- 7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 1 or an approved Subdivision Regulations Variance be obtained, waiving these requirements;**
- 8. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Comprehensive Plan Amendment and Rezone for proposed Lot 1 or obtains an approved Lot Size Variance;**

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

20. 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.

(Continued from the November 22, 2021, Planning Commission meeting.)

Theunissen stated this Item was continued from the November 22, 2021, Planning Commission meeting to address concerns of the Planning Commission.

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.

Commissioner Johnson left the meeting at 10:32 a.m.

Commissioner Johnson returned to the meeting at 10:34 a.m.

Commissioner McGregor left the meeting at 10:35 a.m.
Commissioner McGregor returned to the meeting at 10:36 a.m.

Moved by Hadcock and seconded by Johnson to continue Conditional Use Permit / CU 21-64 to the January 10, 2022, Planning Commission meeting to address the concerns of the Planning Commission.

All voting aye, the Motion carried 6 to 0.

21. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-17: Little Guys, LLC; Ben Brink - Agent. To amend the existing Planned Unit Development to allow a Specialty / Recreational Resort and to add 25 rental cabins and staff housing and dorms to the subject properties in accordance with Section 216 of the Pennington County Zoning Ordinance.

Also in Section 6, T2S, R6E of Maine Lode MS 1715 and Less Lot H1, H2; H3 of West State Lode MS 1533; and Less Lot H1 – Lot H6 and Less Beckman Subdivision No. 2 of State Lode MS 1533 in Section 5, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to amend the existing Planned Unit Development to allow a Specialty / Recreational Resort and to add 25 rental cabins and staff housing and dorms to the subject properties.

Staff recommended approval of Major Planned Unit Development Amendment / PU 21-17 with the following twenty-five (25) conditions:

1. That the approved uses of the Specialty / Recreational Resort include all uses-by-right of a Highway Service District;
2. That the applicant obtains approved Building Permits for the removal of the 20' x 28' detached garage and proposed living quarters above the garage/maintenance building on STATE LODE MS 1533;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
7. That all addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;

8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 127 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
10. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in Section 310 of the Pennington County Zoning Ordinance;
11. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16A;
13. That any restaurant, hotel / motel, or vacation home rental within the Planned Unit Development obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for a hotel / motel, dormitory, or vacation home rental, to include 1 smoke detector per floor;
15. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a hotel / motel, dormitory, or vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
16. That the maximum number of people staying at any dormitory, hotel / motel, or vacation home rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
17. That the applicants comply with South Dakota Codified Law 34-18;
18. That the physical address of each structure be posted in each guest room utilized as a hotel / motel, dormitory, and vacation home rental;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;

20. That any Vacation Home Rentals must comply with PCZO §319;
21. That any Recreation Vehicle Park must comply with PCZO §306;
22. That the front yard setback reduction from 25 feet to zero (0) feet and the side yard setback reduction from 10 feet to a zero (0) feet only apply to the garage / maintenance building on Tax ID 59745;
23. That setbacks for all other structures shall be a minimum of 25 feet from exterior lot lines, 0 feet from interior lot lines, and 58 feet from any existing and relocated Section Lines;
24. 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 impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
25. That this Planned Unit Development be reviewed in 2 years, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Moved by Hadcock and seconded by Coleman to approve of Major Planned Unit Development Amendment / PU 21-17 with the following twenty-five (25) conditions:

- 1. That the approved uses of the Specialty / Recreational Resort include all uses-by-right of a Highway Service District;**
- 2. That the applicant obtains approved Building Permits for the removal of the 20' x 28' detached garage and proposed living quarters above the garage/maintenance building on STATE LODE MS 1533;**
- 3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;**
- 5. That all natural drainage paths be continually maintained;**
- 6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;**
- 7. That all addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;**

8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 127 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
10. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in Section 310 of the Pennington County Zoning Ordinance;
11. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16A;
13. That any restaurant, hotel / motel, or vacation home rental within the Planned Unit Development obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for a hotel / motel, dormitory, or vacation home rental, to include 1 smoke detector per floor;
15. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a hotel / motel, dormitory, or vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
16. That the maximum number of people staying at any dormitory, hotel / motel, or vacation home rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
17. That the applicants comply with South Dakota Codified Law 34-18;
18. That the physical address of each structure be posted in each guest room utilized as a hotel / motel, dormitory, and vacation home rental;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;

20. **That any Vacation Home Rentals must comply with PCZO §319;**
21. **That any Recreation Vehicle Park must comply with PCZO §306;**
22. **That the front yard setback reduction from 25 feet to zero (0) feet and the side yard setback reduction from 10 feet to a zero (0) feet only apply to the garage / maintenance building on Tax ID 59745;**
23. **That setbacks for all other structures shall be a minimum of 25 feet from exterior lot lines, 0 feet from interior lot lines, and 58 feet from any existing and relocated Section Lines;**
24. **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 impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,**
25. **That this Planned Unit Development be reviewed in 2 years, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

22. PLANNED UNIT DEVELOPMENT OVERLAY / PU 21-18: McCrory Vacations, LLC (Lisa McCrory); Rob Livingston - Agent. To allow for a Planned Unit Development Overlay to allow a Recreational Resort to include uses such as: swimming pool, golf course, Vacation Home Rentals, RV site and a pole barn to include a butcher processing shop in accordance with Section 216 of the Pennington County Zoning Ordinance.

S1/2 of Peacock Lode MS 962, Section 35, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Recreational Resort to include uses such as: swimming pool, golf course, Vacation Home Rentals, RV site and a pole barn to include a butcher processing shop.

Staff recommended approval of Planned Unit Development Overlay / PU 21-18 with the following twenty-two (22) conditions:

1. That the approved uses of the Recreational Resort include: vacation home rentals, caretaker residence, recreational vehicle site, golf course, swimming pool, and non-commercial butcher shop;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
6. That all addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
8. That a minimum of 8 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
9. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
10. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
11. That any vacation home rental within the Planned Unit Development obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
12. That a smoke detector be placed in each sleeping room utilized for a vacation home rental, with a minimum of at least 1 smoke detector per floor;
13. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
14. That the maximum number of people staying at any vacation home rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
15. That the applicants comply with South Dakota Codified Law 34-18;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;

17. That any Vacation Home Rentals must comply with PCZO §319;
18. That any Recreation Vehicle Park / Site must comply with PCZO §306;
19. That setbacks for all structures shall be a minimum of 25 feet from all lot lines;
20. That prior to operation as a Vacation Home Rental, an approved Variance be obtained to reduce the rear yard setback for the primary residence (24010 Twin Springs Road);
21. 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 impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
22. That this Planned Unit Development Overlay be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Moved by Hadcock and seconded by McGregor to approve of Planned Unit Development Overlay / PU 21-18 with the following twenty-two (22) conditions:

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

8. That a minimum of 8 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
9. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
10. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
11. That any vacation home rental within the Planned Unit Development obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
12. That a smoke detector be placed in each sleeping room utilized for a vacation home rental, with a minimum of at least 1 smoke detector per floor;
13. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
14. That the maximum number of people staying at any vacation home rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
15. That the applicants comply with South Dakota Codified Law 34-18;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
17. That any Vacation Home Rentals must comply with PCZO §319;
18. That any Recreation Vehicle Park / Site must comply with PCZO §306;
19. That setbacks for all structures shall be a minimum of 25 feet from all lot lines;
20. That prior to operation as a Vacation Home Rental, an approved Variance be obtained to reduce the rear yard setback for the primary residence (24010 Twin Springs Road);

21. **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 impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,**
22. **That this Planned Unit Development Overlay be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

Moved by Hadcock and seconded by McGregor to hear Item #15. All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAN / LPL 21-82: No Bad Days Campground LLC; Rob Livingston. To subdivide and create Lots 1, 2, 3, 4 and Utility Lot of No Bad Days Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28 of T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, 3, 4 and Utility Lot of No Bad Days Subdivision, Section 27 and Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Staff recommended approval of Layout Plan / LPL 21-82 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 the mylar being filed at Register of Deeds, the applicant obtain a Stormwater Permit for existing dirt work;
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 further followed.

Moved by McGregor and seconded by Coleman to approve of Layout Plan / LPL 21-82 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 an approved 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 the mylar being filed at Register of Deeds, the applicant obtain an approved Stormwater Permit for the existing dirt work;**
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.

23. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their November 22nd meeting.

TAX INCREMENT FINANCE DISTRICT #6: Pink Cabin, LLC was approved at the December 7, 2021, Board meeting.

24. ITEMS FROM THE PUBLIC

A member of the public appeared and spoke of zoning in Pennington County and notifications on applications.

25. ITEMS FROM THE STAFF

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

B. Conditional Use Permits 19-33 and 21-40. Sack recommended the two Conditional Use Permit applications be reviewed at the January 10, 2022, Planning Commission meeting, based upon recommendations from SD DANR.

Moved by Coleman and seconded by Lewis to place Conditional Use Permit 19-33 and Conditional Use Permit 21-40 on the January 10, 2022, Planning Commission Agenda for review, based upon recommendations from SD DANR.

All voting aye, the Motion carried. 6 to 0.

26. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

27. ADJOURNMENT

Moved by McGregor and seconded by Coleman to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:41 a.m.

Rich Marsh, Chairperson