

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 8, 2021 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Jim Coleman, Charlie Johnson, Kathy Johnson, Sande Runde, and Karen McGregor.

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

ROLL CALL

1. APPROVAL OF THE JANUARY 25, 2021, MINUTES
Moved by C. Johnson and seconded by McGregor to approve the Minutes of the January 25, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by Runde to approve the Agenda of the February 8, 2021, Planning Commission meeting. Commissioner K. Johnson stated she would abstain from discussion and voting on Item #14. Vote: unanimous 6 to 0.

Moved by Coleman and seconded by Runde to approve the Consent Agenda of the February 8, 2021, Planning Commission meeting, with the removal of Item #4. 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 13-24:** Dutch and Cerise VanLuven. To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

PT Sherman Placer #821 Lot A, Sherman Placer MS 821, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 13-24 with the applicant's concurrence.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 20-01:** RCS Construction / RC Scull. To review a contractor's equipment storage yard on the subject property in a General Agriculture District and Limited Agriculture District in accordance with Sections 205, 206, and 510 of the Pennington County Zoning Ordinance.

N1/2 Less ROW, Less Tract in NW1/4NW1/4, Less Lot H1 in SE1/4NE1/4, and Less Lot H1 in NE1/4NE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-01 with the following nine (9) conditions:

1. **That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;**
2. **That emergency contact information for the storage yard be posted at the entrance of the storage yard;**
3. **That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;**
4. **That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;**
5. **That erosion control measures be implemented around the site to prevent sediment leaving the site;**
6. **That adequate space is provided for parking in the storage yard;**
7. **That upon completion of the project, all equipment, structures, and stockpiles associated with the contractor's storage yard must be removed;**
8. **That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual; and,**
9. **That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

4. CONDITIONAL USE PERMIT REVIEW / CU 17-01: Albert and Sarah Sutton. To review a Recreation Resort Area on the subject property to include six seasonal cabin rentals and the existing single-family residence to be used as the manager's residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract A, Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda to discuss the existing conditions of approval that were reviewed by Staff.

Staff recommended approval of the extension of Conditional Use Permit / CU 17-01 with the following eighteen (18) conditions:

1. That the uses of the Conditional Use Permit continue to be limited to six (6) seasonal rental cabins and the existing single-family residence to be used as the manager's residence;
2. That the rental cabins be allowed to operate no more than 180 days per year;
3. That the address and Unit number assigned to the cabins continue to be posted on each cabin and the address for the main residence continue to be posted on the residence on the subject property. All addresses must be posted so they are visible from both the interior roadway and from Campfire Drive, in accordance with Pennington County's Ordinance #20;
4. That the minimum number of required parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance (PCZO) Section 310, which requires one (1) parking space per guest bedroom for each cabin;
5. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of PCZO Section 312;
6. That the applicant maintains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, a Specialty Resort License from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
7. That the applicant continually 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 and that a copy of said plan be kept on file at the Planning Department;
8. That the property continually remains free of debris and junk vehicles and all structures be well-maintained;

9. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO Section 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
10. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
11. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
12. That the interior access roads leading to the cabins continue to consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic, and must be maintained in a dust-free manner;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
14. That a smoke detector be maintained in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
15. That portable fire extinguishers continue to be located on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
16. That quiet hours for the Recreation Resort continue to be from 10 p.m. to 8 a.m.;
17. That the applicant is aware of, and continually adheres to all Forest Service requirements; and,
18. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by C. Johnson and seconded by K. Johnson to approve the extension of Conditional Use Permit / CU 17-01 with the following eighteen (18) conditions:

- 1. That the uses of the Conditional Use Permit continue to be limited to six (6) seasonal rental cabins and the existing single-family residence to be used as the manager's residence;**

2. That the rental cabins be allowed to operate no more than 180 days per year;
3. That the address and Unit number assigned to the cabins continue to be posted on each cabin and the address for the main residence continue to be posted on the residence on the subject property. All addresses must be posted so they are visible from both the interior roadway and from Campfire Drive, in accordance with Pennington County's Ordinance #20;
4. That the minimum number of required parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance (PCZO) Section 310, which requires one (1) parking space per guest bedroom for each cabin;
5. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of PCZO Section 312;
6. That the applicant maintains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, a Specialty Resort License from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
7. That the applicant continually 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 and that a copy of said plan be kept on file at the Planning Department;
8. That the property continually remains free of debris and junk vehicles and all structures be well-maintained;
9. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO Section 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
10. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
11. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;

12. That the interior access roads leading to the cabins continue to consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic, and must be maintained in a dust-free manner;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
14. That a smoke detector be maintained in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
15. That portable fire extinguishers continue to be located on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
16. That quiet hours for the Recreation Resort continue to be from 10 p.m. to 8 a.m.;
17. That the applicant is aware of, and continually adheres to all Forest Service requirements; and,
18. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

6. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-01: The Storage Place/Chris Hamm. To amend an existing Planned Unit Development to reduce the setback of the interior lot line between the subject properties from 8 feet to 6 feet in accordance with Section 213 of the Pennington County Zoning Ordinance.

That PT of W1/2NE1/4SE1/4 lying S of Portrush Road That Lies Outside the City of Rapid City Corporate Boundaries Less Red Rock Estate and Less ROW and That PT of E1/2NE1/4SE1/4 lying Outside the City of Rapid City Corporate Boundaries Less ROW; Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development to reduce the setback of the interior lot line between the subject properties from 8 feet to 6 feet.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 21-01 with the following twenty-one (21) conditions:

1. That the uses allowed in Zone 1 be those allowed in the Commercial Zoning District and to include a car wash facility;

2. That the uses allowed in Zone 2 be for 19 storage unit buildings and the single-family residence to be used as a caretaker's residence, and the caretaker be directly engaged in the day-to-day operation of the storage unit business;
3. That a minimum of four parking spaces be provided and that a loading, and unloading zone be provided for all storage unit buildings in Zone 2 that run along the units and must have four 4 inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That the business address for the storage units be posted on the property to be clearly visible from Dunsmore Road and to be maintained in accordance with the Pennington County Ordinance #20;
5. That the address for the caretaker's residence posted on the property to be clearly visible from Muirfield Drive and to be maintained in accordance with the Pennington County Ordinance #20;
6. That any new approaches and/or access obtain an approved Approach Permit, or similar, from the appropriate road authority;
7. That any lighting used to illuminate any off-street parking or lighting in Zone 1 or Zone 2 shall be so arranged as to deflect the light from all adjoining residences and the lighting on the outside of the storage units in Zone 2 be directed towards the ground;
8. That sign(s) shall be allowed in Zone 1 and Zone 2 with an approved Sign Permit. The sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides. The applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with the Pennington County Zoning Ordinance (PCZO) Section 312;
9. That prior to Building Permits being issued, a drainage plan addressing run-off shall be reviewed and approved by the Planning Department;
10. That the applicant ensures that all-natural drainage ways be maintained and are not blocked;
11. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require an approved Storm Water Permit from the Planning Department;
12. That any work encompassing over (1) one acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environment and Natural Resources;

13. That the storage units be used exclusively for storage and not retail business activities;
14. That any additional storage unit buildings require the Planned Unit Development to be amended;
15. That the hours of operation for the storage units be from 7:00 a.m. to 10:00 p.m.;
16. That the address and a sign be posted indicating after hours contact information with the owner phone number, which must be clearly visible at the entrance to the lot for the storage units;
17. 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;
18. That the setbacks from property lines for Zone 2 be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines; and a 58-foot setback from Section Lines or the Section Line be vacated;
19. That the setback of the interior lot line between Lot A and Lot B be six (6) feet;
20. That the setbacks from property lines for Zone 1 follow those for a General Commercial Zoning District; and,
21. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by C. Johnson to approve of Minor Planned Unit Development Amendment / PU 21-01 with the following twenty-one (21) conditions:

- 1. That the uses allowed in Zone 1 be those allowed in the Commercial Zoning District and to include a car wash facility;**
- 2. That the uses allowed in Zone 2 be for 19 storage unit buildings and the single-family residence to be used as a caretaker's residence, and the caretaker be directly engaged in the day-to-day operation of the storage unit business;**
- 3. That a minimum of four parking spaces be provided and that a loading, and unloading zone be provided for all storage unit buildings in Zone 2 that run along the units and must have four 4 inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**

4. That the business address for the storage units be posted on the property to be clearly visible from Dunsmore Road and to be maintained in accordance with the Pennington County Ordinance #20;
5. That the address for the caretaker's residence posted on the property to be clearly visible from Muirfield Drive and to be maintained in accordance with the Pennington County Ordinance #20;
6. That any new approaches and/or access obtain an approved Approach Permit, or similar, from the appropriate road authority;
7. That any lighting used to illuminate any off-street parking or lighting in Zone 1 or Zone 2 shall be so arranged as to deflect the light from all adjoining residences and the lighting on the outside of the storage units in Zone 2 be directed towards the ground;
8. That sign(s) shall be allowed in Zone 1 and Zone 2 with an approved Sign Permit. The sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides. The applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with the Pennington County Zoning Ordinance (PCZO) Section 312;
9. That prior to Building Permits being issued, a drainage plan addressing run-off shall be reviewed and approved by the Planning Department;
10. That the applicant ensures that all-natural drainage ways be maintained and are not blocked;
11. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require an approved Storm Water Permit from the Planning Department;
12. That any work encompassing over (1) one acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environment and Natural Resources;
13. That the storage units be used exclusively for storage and not retail business activities;
14. That any additional storage unit buildings require the Planned Unit Development to be amended;
15. That the hours of operation for the storage units be from 7:00 a.m. to 10:00 p.m.;

16. That the address and a sign be posted indicating after hours contact information with the owner phone number, which must be clearly visible at the entrance to the lot for the storage units;
17. 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;
18. That the setbacks from property lines for Zone 2 be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines; and a 58-foot setback from Section Lines or the Section Line be vacated;
19. That the setback of the interior lot line between Lot A and Lot B be six (6) feet;
20. That the setbacks from property lines for Zone 1 follow those for a General Commercial Zoning District; and,
21. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

7. CONDITIONAL USE PERMIT / CU 21-01: Thorn Kinetic Systems; Robert Espinosa. To allow a home occupation, a home-based firearms business, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 3, Block 4, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a home occupation, a home-based firearms business, on the subject property.

Staff is recommending approval of Conditional Use Permit / CU 21-01 with the following thirteen (13) conditions:

1. 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;

2. That the gunsmithing and service business shall be operated completely within the existing residence;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, be conducted entirely indoors;
6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Wild Flower Lane in accordance with Pennington County's Ordinance #20;
8. That the applicant acquires an Excise Sales Tax License as required by the South Dakota Department of Revenue prior to operation;
9. That the applicant notifies the Johnson Siding Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file prior to operation;
10. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
13. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Conditional Use Permit / CU 21-01 with the following thirteen (13) conditions:

1. 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;
2. That the gunsmithing and service business shall be operated completely within the existing residence;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, be conducted entirely indoors;
6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Wild Flower Lane in accordance with Pennington County's Ordinance #20;
8. That the applicant acquires an Excise Sales Tax License as required by the South Dakota Department of Revenue prior to operation;
9. That the applicant notifies the Johnson Siding Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file prior to operation;
10. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
13. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary 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.

8. CONDITIONAL USE PERMIT / CU 21-02: In-Rut Rifles, Inc.; Mark Lembke. To allow a home occupation, a home-based firearms business, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 3, Sun Country Estates, Section 26, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a home occupation, a home-based firearms business, on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-01 with the following twelve (12) conditions:

1. 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;
2. That the gunsmithing and service business shall be operated completely within the existing residence;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, be conducted entirely indoors;
6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Sun Country Lane in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
9. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
10. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;

11. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
12. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed and further discussion was held to include an additional condition to state: "That if the applicant's Federal Firearms License were to transfer from a dealer to an ammunition manufacturer, a separate review of the Conditional Use Permit will be required."

Commissioner Coleman left the meeting at 9:57 a.m.
Commissioner Coleman returned to the meeting at 9:58 a.m.

Sack also stated the condition could read: "That any addition or amendment to the applicant's current Federal Firearms License, will require a review of the Conditional Use Permit."

Moved by Coleman and seconded by K. Johnson to approve of Conditional Use Permit / CU 21-02 with the following thirteen (13) conditions:

- 1. 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;**
- 2. That the gunsmithing and service business shall be operated completely within the existing residence;**
- 3. That no business sign be posted on the property;**
- 4. That no on-premise retail sales be allowed;**
- 5. That the home occupation, including all associated storage, be conducted entirely indoors;**
- 6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;**
- 7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Sun Country Lane in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;**

9. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
10. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
11. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
12. That any addition or amendment to the applicant's current Federal Firearms License, will require a review of the Conditional Use Permit; and,
13. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

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

9. PRELIMINARY PLAT / PPL 21-01: David and LuAnn Hintz. To combine lots to create Lot 1R, Block 11, The Ranch at Black Gap in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 and Lot 2, Block 11, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Block 11, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to create Lot 1R, Block 11, The Ranch at Black Gap in accordance with Section 400.2.

Staff recommended approval of Preliminary Plat / PPL 21-01 with the following five (5) conditions:

1. That prior to submittal of the Final Plat, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;

2. That prior to submittal of the Final Plat, the Plat include the following note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location;
3. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;
4. That all-natural drainage ways are maintained and are 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.

Discussion followed.

Moved by Coleman and seconded by C. Johnson to approve of Preliminary Plat / PPL 21-01 with the following five (5) conditions:

- 1. That prior to submittal of the Final Plat, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
- 2. That prior to submittal of the Final Plat, the Plat include the following note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location;**
- 3. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;**
- 4. That all-natural drainage ways are maintained and are 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.**

All voting aye, the Motion carried 6 to 0.

10. LAYOUT PLAN / LPL 21-03: Bonni Johannsen; Johannsen Family Trust. To subdivide and create Lots 1 and 2 of BJFT Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D of Gov't Lot 9 and of NE1/4SW1/4 Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of BJFT Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 1 and 2 of BJFT Subdivision.

Staff recommended approval of Layout Plan / LPL 21-03 with the following ten (10) conditions:

1. That prior to Preliminary Plat submittal, the plat be prepared by a Registered Professional Land Surveyor;
2. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;
3. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 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 Preliminary Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Preliminary Plat submittal, the storage warehouse setback for the west property line be determined and if it does not meet the minimum required setback, a setback Variance be obtained prior to filing the mylar with the Register of Deeds;
6. That an Operating Permit be obtained for the existing onsite wastewater treatment system prior to submittal of the Preliminary Plat;
7. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Conditional Use Permit for the existing 60' x 250' detached warehouse storage building;
8. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Rezone for the proposed lots in BJFT Subdivision;

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 Coleman and seconded by C. Johnson to approve of Layout Plan / LPL 21-03 with the following ten (10) conditions:

- 1. That prior to Preliminary Plat submittal, the plat be prepared by a Registered Professional Land Surveyor;**
- 2. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;**
- 3. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 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 Preliminary Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That at the time of Preliminary Plat submittal, the storage warehouse setback for the west property line be determined and if it does not meet the minimum required setback, a setback Variance be obtained prior to filing the mylar with the Register of Deeds;**
- 6. That an Operating Permit be obtained for the existing onsite wastewater treatment system prior to submittal of the Preliminary Plat;**
- 7. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Conditional Use Permit for the existing 60' x 250' detached warehouse storage building;**
- 8. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Rezone for the proposed lots in BJFT Subdivision;**
- 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.

11. LAYOUT PLAN / LPL 21-04: TDG Real Estate, Mike Gennaro. To subdivide and create Glendale #1 Tract A and Glendale #1 Tract B of Glendale Lode #1 MS 1111 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Glendale #1 Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Glendale #1 Tract A and Glendale #1 Tract B of Glendale Lode #1 MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the application has applied for a Layout Plan to subdivide and create Glendale #1 Tract A and Glendale #1 Tract B of Glendale Lode #1 MS 1111.

Staff recommended approval of Layout Plan / LPL 21-04 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, proposed tracts be renamed Tract A and Tract B of Glendale #1, per Register of Deeds comments;
2. That at the time of Minor Plat submittal, the 40' access easement be identified on the plat;
3. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
4. That prior to 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, 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 prior to the mylar being filed at Register of Deeds, the applicant provide percolation tests and soil profile hole information for proposed Tract A and Tract B or obtain an approved Subdivision Regulations Variance to waive these requirements;
8. That prior to the mylar being filed at Register of Deeds, the applicant obtain either an approved Rezone and Comprehensive Plan Amendment or Lot Size Variances for the proposed lots;
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 C. Johnson and seconded by Runde to approve of Layout Plan / LPL 21-04 with the following ten (10) conditions:

- 1. That at the time of Minor Plat submittal, proposed tracts be renamed Tract A and Tract B of Glendale #1, per Register of Deeds comments;**
- 2. That at the time of Minor Plat submittal, the 40' access easement be identified on the plat;**
- 3. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 4. That prior to 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, 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 prior to the mylar being filed at Register of Deeds, the applicant provide percolation tests and soil profile hole information for proposed Tract**

A and Tract B or obtain an approved Subdivision Regulations Variance to waive these requirements;

- 8. That prior to the mylar being filed at Register of Deeds, the applicant obtain either an approved Rezone and Comprehensive Plan Amendment or Lot Size Variances for the proposed lots;**
- 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.

12. PRELIMINARY PLAT / PPL 21-05: Ron and Susan Johnson. To subdivide and create Lot 1-R2 of Jones Ranch Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1R of Jones Ranch Subdivision and SE1/4 Less 9.93 AC in SE1/4 and Less Jones Ranch Subdivision and Less Caputa Community Cemetery and Less Dedicated ROW, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1-R2 of Jones Ranch Subdivision, and a portion of the SW1/4 of SE1/4, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to subdivide and create Lot 1-R2 of Jones Ranch Subdivision.

Staff recommended approval of Preliminary Plat / PPL 21-05 with the following six (6) conditions:

1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That prior to the mylar being filed at Register of Deeds, the applicant obtain either an approved Rezone or Lot Size Variance for proposed Lot 1-R2;

5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
6. 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.

Discussion followed.

Moved by Coleman and seconded by Runde to approve of Preliminary Plat / PPL 21-05 with the following six (6) conditions:

- 1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
- 3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
- 4. That prior to the mylar being filed at Register of Deeds, the applicant obtain either an approved Rezone or Lot Size Variance for proposed Lot 1-R2;**
- 5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 6. 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.**

All voting aye, the Motion carried 6 to 0.

13. REZONE / RZ 21-01: Ron and Susan Johnson. To rezone 10.473 acres from Low Density Residential District and General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, 207, and 508 of the Pennington County Zoning Ordinance.

Commencing at the northwesterly corner of Lot 1-R of Jones Ranch subdivision, and the point of beginning. Thence, first course: N 89°56'58" E, along the northerly boundary of said Lot 1-R, a distance of 609.94 feet, to the northeasterly corner of said Lot 1-R;

Thence, second course: S 00°01'10" E, along the easterly boundary of said Lot 1-R, a distance of 117.09 feet; Thence, third course: N 89°56'22" E, a distance of 394.64 feet, to the northwesterly corner of Lot 3 of Jones Ranch Subdivision; Thence, fourth course: S 00°03'38" E, along westerly boundary of said Lot 3, a distance of 383.04 feet, to the southwesterly corner of said Lot 3, common to a point on the northerly edge of said Dawkins Road right-of-way; Thence, fifth course: S 89°56'08" W, along the northerly edge of said Dawkins Road right-of-way, a distance of 394.91 feet, to the southeasterly corner of said Lot 1-R; Thence, sixth course: S 89°57'57" W, along the southerly boundary of said Lot 1-R, common to the northerly edge of said Dawkins Road right-of-way, a distance of 609.86 feet, to the southwesterly corner of said Lot 1-R, common to a point on the easterly edge of Caputa Loop right-of-way; Thence, seventh course: N 00°01'44" W, along the westerly boundary of said Lot 1-R, common to the easterly edge of said Caputa Loop right-of-way, a distance of 499.98 feet, to the said Point of Beginning. Said Parcel contains 10.473 acres more or less, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to rezone 10.473 acres from Low Density Residential District and General Agriculture District to Limited Agriculture District.

Staff recommended approval of Rezone / RZ 21-01.

Discussion followed.

Moved by C. Johnson and seconded by McGregor to approve of Rezone / RZ 21-01.

All voting aye, the Motion carried 6 to 0.

Commissioner K. Johnson left the meeting at 10:25 a.m.

14. LAYOUT PLAN / LPL 21-02: Lyndon Bolt; GL Development Co., LLC. To subdivide and create Lots 1 through 6 of Elkhorn Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Hare Lippa Tract (aka Pt of Lot 1; Parcel 1 of Lot 4 Less Right-of-Way; and Parcel 3 of Lot 3 Less Right-of-Way, Sections 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 through 6 of Elkhorn Estates, Sections 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for Layout Plan to subdivide and create Lots 1 through 6 of Elkhorn Estates.

Staff recommended approval of Layout Plan / LPL 21-02 with the following conditions:

1. That at the time of Preliminary Plat submittal, the portion of the parent parcel, lying on the opposite (north) side of Old Hill City Road, be identified on the plat;
2. That at the time of Preliminary Plat submittal, the 50' access easement be identified as a named right-of-way on the plat, per Emergency Services comments;
3. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That prior to Preliminary Plat submittal, the applicant obtains approved Building Permits for the 26' x 30' detached garage and 12' x 16' greenhouse and pay any associated penalty fees;
5. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 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 Preliminary 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;
7. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line right-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
8. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved resolution to relocate any portion of Section Line;
9. That prior to the mylar being filed at Register of Deeds, the applicant provide percolation tests and soil profile hole information for proposed Lot 1, Lot 2, Lot 3, Lot 5, and Lot 6 or obtain an approved Subdivision Regulations Variance to waive these requirements
10. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Rezone for proposed Lots 1-6 and Comprehensive Plan Amendment (as applicable) or obtain an approved Lot Size Variance for the proposed lots;
11. That the applicant ensures all-natural drainage ways are maintained and not blocked;
12. That within 60 days of the mylar being filed at the Register of Deeds, the applicant apply for a Conditional Use Permit for the 20' x 80' detached garage on proposed Lot 3; 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 Runde and seconded by Coleman to approve of Layout Plan / LPL 21-02 with the following thirteen (13) conditions:

- 1. That at the time of Preliminary Plat submittal, the portion of the parent parcel, lying on the opposite (north) side of Old Hill City Road, be identified on the plat;**
- 2. That at the time of Preliminary Plat submittal, the 50' access easement be identified as a named right-of-way on the plat, per Emergency Services comments;**
- 3. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 4. That prior to Preliminary Plat submittal, the applicant obtains approved Building Permits for the 26' x 30' detached garage and 12' x 16' greenhouse and pay any associated penalty fees;**
- 5. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 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 Preliminary 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;**
- 7. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line right-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;**
- 8. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved resolution to relocate any portion of Section Line;**
- 9. That prior to the mylar being filed at Register of Deeds, the applicant provide percolation tests and soil profile hole information for proposed Lot 1, Lot 2, Lot 3, Lot 5, and Lot 6 or obtain an approved Subdivision Regulations Variance to waive these requirements**

10. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Rezone for proposed Lots 1-6 and Comprehensive Plan Amendment (as applicable) or obtain an approved Lot Size Variance for the proposed lots;
11. That the applicant ensures all-natural drainage ways are maintained and not blocked;
12. That within 60 days of the mylar being filed at the Register of Deeds, the applicant apply for a Conditional Use Permit for the 20' x 80' detached garage on proposed Lot 3; 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 5 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 25, 2020, Planning Commission meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the January 2021 Building Permit Report.

18. ITEMS FROM THE MEMBERSHIP

There were no items from the membership

19. ADJOURNMENT

Moved by Coleman and seconded by Runde to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 10:35 a.m.

Rich Marsh, Chairperson