

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 24, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Kelsey Rausch, Megan Talmage, Christine Phillip, Cody Sack, Jason Theunissen, TJ Doreff, Jeri Ervin, Megan Krueger (SAO) and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE APRIL 10, 2023, MINUTES
Moved by Burton and seconded by McGregor to approve the Minutes of the April 10, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Kuehn to approve the Agenda of the April 24, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Burton and seconded by Lasseter to approve the Consent Agenda of the April 24, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 10-04:** Deep Creek Outfitters; Matt Eisenbraun. To review a home occupation, a gunsmithing business, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

NE1/4, S1/2NW1/4, and SW1/4, Section 9, T4N, R16E, BHM, Pennington County, South Dakota.

(Continued from the March 13, 2023, Planning Commission meeting.)

To approve the extension of Conditional Use Permit / CU 10-04 with the following ten (10) conditions.

1. **That a minimum of two (2) off-street parking space continue to be provided and that each parking space shall not be less than 162 square feet, nor less than 9 feet by 18 feet; surfaced with gravel, concrete or asphalt and maintained in a dust free manner;**

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 the applicants continually maintains the residential / agricultural character of the property;
4. That the home occupation continue to be conducted by members of the family residing on the premises and no more than one (1) additional person;
5. That the applicant maintain any Federal and State Licenses and copies of those licenses be submitted to the **Planning Office**;
6. That a business sign, which directs attention to the home occupation, shall be allowed with an approved **Sign Permit**. Such sign shall not exceed four (4) square feet in area and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right of ways;
7. That if the applicant install plumbing in the shop, the septic system be approved by the **South Dakota Department of Agriculture and Natural Resources**;
8. That the address continue to be properly posted on both the residence and at the approach so it is visible in both directions from 213th Street in accordance with **Pennington County's Ordinance #20**;
9. That the applicant continually maintains an **Excise Sales Tax License** as required by the **South Dakota Department of Revenue**;
10. That this **Conditional Use Permit** be reviewed in five (5) years, on a complaint basis, or as directed by the **Pennington County Planning Director, Planning Commission, or Board of Commissioners** to verify that all conditions of approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 19-07**: Black Hills Kart Racing. To review a dirt track to be used for dirt track kart racing on the subject property in a Commercial District in accordance with the Pennington County Zoning Ordinance.

The Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E of Highway ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-07 with the following fourteen (14) conditions:

1. That Conditional Use Permit 19-07 be for the following use: Dirt Kart Track; operated only during the following months of May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 8:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail;
2. That Building Permits 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 the two addresses for the subject property be posted in accordance with County Ordinance # 20;
4. That the applicant provides trash receptacles and keep the property cleaned of rubbish, trash, and debris;
5. That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the site;
6. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
7. That the applicant obtains any applicable federal, state, and local permits for the operation of the racetrack;
8. That the applicant has a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
9. The Dirt Kart Track is located in a Public Drainage Basin and only used seasonally May, June, July, August, September, and is not used during the months of October, November, December, January, February, March, and April;
10. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
11. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners.
12. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during any construction;

13. That prior to CU 19-07 ending, the Landowner provide a written plan for the removal and remediation of the area used for the Kart Track; and,
14. That this Conditional Use Permit be reviewed in two (2) years, 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 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 21-09:** Michael Fessler. To review a home occupation, a home-based firearms sales/gunsmithing/ firearm manufacturing, in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

W1/2S1/2S1/2SE1/4SW1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-09 with the following eleven (11) 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 the home occupation, including all associated storage, be conducted entirely indoors;
5. 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;
6. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Lightning Ridge Road in accordance with Pennington County's Ordinance #20;
7. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
8. 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;
9. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;

10. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
11. That this Conditional Use Permit be reviewed in three (3) years, 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.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 21-42:** CAL SD, LLC; Tina Roberts. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot A, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-42 with the following nineteen (19) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department of Agriculture and Natural Resources (SD DANR) approval, be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;
3. That if any addition is constructed on the 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 SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-42, be subject to PCZO § 511, which imposes a \$100 fee per review;
7. That the applicant 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 upon request;

8. 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 and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 3 off-street parking spaces be provided on-site, per PCZO § 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;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (9699 Clarkson Road) be posted on the residence at all times and at the driveway where it intersects Clarkson Road, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) at all times;
13. That if the person designated as the Local Contact is ever changed from Tina Roberts, the interior informational sign be updated and the applicant renotify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. 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;
15. That an approved on-premise Sign Permit be obtained prior to the placement of any sign(s);
16. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;
17. That a color map illustrating where the Special Flood Hazard Area is located on the property, as determined by the Federal Emergency Management Agency (FEMA) be posted during operation of the Vacation Home Rental;
18. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
19. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Note: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 21-57:** Kevin and DiAnn Killion. To review two primitive seasonal cabins to be used as bunkhouses on the subject property for no more than 180 days each calendar year in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

That Part of NE1/4SW1/4NE1/4 lying North of Rochford Road, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 21-57 to the May 8, 2023, Planning Commission meeting to allow the applicant time to post the addresses on the structures.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 21-71:** Greg Helgeson. To review living in a 12' x 56' trailer, while building living quarters in the existing shop building in an Agriculture District in accordance with 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 March 13, 2023, Planning Commission meeting.)

To approve the extension of Conditional Use Permit / CU 21-71 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 is 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 1 residential structure (i.e. single-family residence or living quarters);**
4. **That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
5. **That the Wisco house trailer be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
6. **That the subject property remains free of debris and junk vehicles; and,**
7. **That this Conditional Use Permit be reviewed in (two) 2 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.**

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 22-18**: A & B Cabins, LLC; Alyssa and Brian Boche. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot D of Lot 14, Clear Creek Placer MS 1184, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-18 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (SD DANR) approval, is limited to 12 people and the maximum daytime occupancy is limited to 24 people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) & 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 22-18, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. That the applicant 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 upon request;
8. That the applicants maintain an Evacuation (Emergency) Plan, and provide copies and educates all overnight guests in case there is a need to evacuate from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 5 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg);
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;

11. That the lot address (12727 N Prairie Creek Road) be posted on the residence at all times and at the driveway where it intersects N Prairie Creek Road, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Beth Paulson, 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;
14. That this Conditional Use Permit be automatically ended upon the sale of the property unless the applicants comply with §319(C)(5) prior to the sale;
15. 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;
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
17. That this Conditional Use Permit be reviewed in 2 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.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 22-39:** A & B Cabins, LLC; Alyssa and Brian Boche. To review an existing cabin to remain and be used as storage only on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot D of Lot 14, Clear Creek Placer MS 1184, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-39 with the following seven (7) conditions:

1. That the small cabin not be used for living quarters but only for storage;
2. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
3. That the property remains free of junk and debris;

4. 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;
5. That the address for the main residence (12727 N Prairie Creek Road) be posted so that it can be seen from both directions of travel on N Prairie Creek Road in accordance with Pennington County Ordinance #20;
6. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
7. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

11. CONDITIONAL USE PERMIT / CU 23-10: Nathan and Alexis Sobolewski. To allow a grain bin to be utilized for food and beverage sales on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Tract1A, Perman Addition, Section 32, T2S, R13E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a grain bin to be utilized for food and beverage sales on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-10 with the following fifteen (15) conditions:

1. That the permitted use allows a grain bin to be utilized for the seasonal sale of food and beverages;
2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That the annual days of operation of the venue be allowed 7 days each week from May 1st through September 15th;
4. That the hours of operation, for the requested use, shall be between 7:30 a.m. and 5:00 p.m. only;

5. That an address be assigned and posted on the grain bin so it is clearly visible, in accordance with Pennington County Ordinance #20;
6. That access to the site be only from a County approved approach and that no additional access be taken from Sobos Road;
7. 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 (PCZO) §310(A)(9)(m);
8. That prior to operation, port-a-lets be located on the property to serve as a means of wastewater disposal and that a service contract for the port-a-lets be provided to the Planning Department;
9. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
10. That any lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
11. That prior to operation, the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
13. That all natural drainage paths be continually maintained;
14. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
15. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

Discussion followed.

Moved by Kuehn and seconded by Lasseter to approve Conditional Use Permit / CU 23-10 with the following fifteen (15) conditions:

- 1. That the permitted use allows a grain bin to be utilized for the seasonal sale of food and beverages;**

2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That the annual days of operation of the venue be allowed 7 days each week from May 1st through September 15th;
4. That the hours of operation, for the requested use, shall be between 7:30 a.m. and 5:00 p.m. only;
5. That an address be assigned and posted on the grain bin so it is clearly visible, in accordance with Pennington County Ordinance #20;
6. That access to the site be only from a County approved approach and that no additional access be taken from Sobos Road;
7. 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 (PCZO) §310(A)(9)(m);
8. That prior to operation, port-a-lets be located on the property to serve as a means of wastewater disposal and that a service contract for the port-a-lets be provided to the Planning Department;
9. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
10. That any lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
11. That prior to operation, the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
13. That all natural drainage paths be continually maintained;
14. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,

15. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

All voting aye, the Motion carried 7 to 0.

12. CONDITIONAL USE PERMIT / CU 23-11: SADL Properties, LLC; Stacey Kutil. To allow a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2 (of Lot D), Gussler Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Conditional Use Permit / CU 23-11 to the May 22, 2023 meeting to allow the applicant time to readvertise and to resend the Notice of Hearing letters.

Discussion followed.

Moved by Lasseter and seconded by Coleman to continue Conditional Use Permit / CU 23-11 to the May 22, 2023 meeting to allow the applicant time to readvertise and to resend Notice of Hearing letters.

All voting aye, the Motion carried 7 to 0.

13. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 23-03: James and Debra. A special consideration to PUD 79-02 to reduce the front yard setback from 25 feet to 7 feet to allow for the construction of a shed in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 1A, Block 19, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicant has applied for a Special Consideration to Trailwood Village Planned Unit Development to reduce the front yard setback to allow for a shed to be placed on the subject property.

Staff recommended approval of the withdrawal of Special Consideration to Trailwood Village Planned Unit Development / PU 23-03, with the applicant's concurrence, as the applicant will need to meet the following two (2) conditions:

1. The applicant will have to work with the City of Rapid City to vacate all or a portion of the 8-foot Utility and Minor Drainage Easement located along the front property line that he proposed the 7-foot setback on; and,

2. The applicant will have to obtain an approved Minor Planned Unit Development Amendment to allow a shed to be located within the “front” yard of the property.

Discussion followed.

Moved by Lasseter and seconded by Lewis to approve the withdrawal of Special Consideration to Trailwood Village Planned Unit Development / PU 23-03.

All voting aye the Motion carried 7 to 0.

Moved by Burton and seconded by Lasseter to wave rules to discuss directly related and similar Agenda Items #14 and #15 at the same time. All voting aye, the Motion carried 7 to 0.

14. COMPREHENSIVE PLAN AMENDMENT / CA 23-03: Free Range Rentals, LLC; Davis Engineering - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 23-03.

Discussion followed.

Commissioner McGregor left the meeting at 10:21 a.m.
Commissioner McGregor returned to the meeting at 10:22 a.m.

Moved by Burton and seconded by Lasseter to approve Comprehensive Plan Amendment / CA 23-03.

All voting aye, the Motion carried 7 to 0.

15. REZONE / RZ 23-06: Free Range Rentals, LLC; Davis Engineering - Agent. To rezone 7.2 acres from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440 and That PT of the W1/2NE1/4 lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Rezone / RZ 23-06 to the May 22, 2023, Planning Commission meeting as the agent did not send the notice of hearing letters to all the required property owners.

Discussion followed.

Moved by Lasseter and seconded by McGregor to continue Rezone / RZ 23-06 to the May 22, 2023, Planning Commission meeting to allow the applicant and/or agent time to readvertise and to resend Notice of Hearing letters.

All voting aye, the Motion carried 7 to 0.

Commissioner Burton left the meeting at 10:26 a.m.

Moved by Lewis and seconded by Lasseter to wave rules to discuss directly related and similar Agenda Items #16 and #17 at the same time. All voting aye, the Motion carried 6 to 0.

Commissioner Lasseter left the meeting at 10:27 a.m.

Commissioner Burton returned to the meeting at 10:28 a.m.

Commissioner Lasseter returned to the meeting at 10:29 a.m.

16. COMPREHENSIVE PLAN AMENDMENT / CA 23-04: Kristi Decker. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1B, Price Estates Subdivision, Section 21, T2N, R10, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 23-04.

Discussion followed.

Moved by Kuehn and seconded by Burton to approve of Comprehensive Plan Amendment / CA 23-04.

All voting aye, the Motion carried 7 to 0.

17. REZONE / RZ 23-07: Kristi Decker. To rezone from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1B, Price Estates Subdivision, Section 21, T2N, R10, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Rezone / RZ 23-07.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Rezone / RZ 23-07.

All voting aye, the Motion carried 7 to 0.

Commissioner Lewis left the meeting at 10:33 a.m.

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

18. VACATION OF PLAT / VP 23-03: Paul and Ella Linda. To vacate notes on the plat of Lot 1, Block 1 of Mountain Meadows Subdivision in Section 17, T2S, R7E.

Lot 1, Block 1 of Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate notes on the plat.

Staff recommended approval of Vacation of Plat / VP 23-03 with the following two (2) conditions:

1. That notes #13 and #14 be vacated for only Lot 1, Block 1 of Mountain Meadows Subdivision; and,
2. That all necessary resolutions for Vacation of Plat / VP 23-03 be recorded by the applicant at the Register of Deeds' Office.

Discussion followed.

Moved by McGregor and seconded by Coleman to approve of Vacation of Plat / VP 23-03 with the following two (2) conditions:

- 1. That notes #13 and #14 be vacated for only Lot 1, Block 1 of Mountain Meadows Subdivision; and,**
- 2. That all necessary resolutions for Vacation of Plat / VP 23-03 be recorded by the applicant at the Register of Deeds' Office.**

All voting aye, the Motion carried 7 to 0.

19. ORDINANCE AMENDMENT / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Pennington County Zoning Ordinance.

Molitor stated this is a proposed Ordinance Amendment to amend Section 319 Vacation Home Rental.

Moved by Lewis and seconded by Burton to address items of discussion. All voting aye, the Motion carried 7 to 0.

Discussion followed.

Moved by Lewis and seconded by Johnson to adopt a moratorium for a period of one year to not allow applicants to apply for new Conditional Use Permits for Vacation Home Rentals. All voting, the Motion failed 6 to 1. Commissioners Kuehn, Lasseter, Burton, McGregor and Johnson voted no. Commissioner Lewis voted yes.

Moved by Burton and seconded by Lasseter to review the current Section 319 Vacation Home Rental Local Contact language and incorporate that language into the proposed draft Ordinance. All voting aye, the Motion carried 7 to 0.

Commissioner Lasseter left the meeting at 11:15 a.m.

Commissioner Lasseter returned to the meeting at 11:17 a.m.

Moved by Burton and seconded by Kuehn to table the discussion of the one acre lot size requirement. All voting, the Motion carried 7 to 0.

Moved by Lasseter and seconded by Lewis to remove Section E(4)(b) in the proposed draft Ordinance. All voting aye, the Motion carried 7 to 0.

Moved by Kuehn and seconded by Burton to table the discussion of off-street parking. All voting aye, the Motion carried 7 to 0.

Commissioner Burton left the meeting at 12:18 a.m.

Commissioner Burton returned to the meeting at 12:19 a.m.

Moved by Kuehn and seconded by Lasseter to have the Planning Department and the State's Attorney's Office review the language of Transfer for a Special Permitted Use and Conditional Use Permit. All voting aye, the Motion carried 7 to 0.

Moved by Burton and seconded by Lasseter to table discussion items related to the proposed draft Ordinance. All voting aye, the Motion carried 7 to 0.

Moved by Lasseter and seconded by Kuehn to continue Ordinance Amendment / OA 23-01 to the May 8, 2023, Planning Commission meeting. All voting aye, the Motion carried 7 to 0.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 10, 2023, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

- A. Planning Department. Megan Krueger, Deputy State's Attorney, introduced Alexa Moeller, from the State's Attorney's Office, and further stated Alexa will be taking her place with working the Planning Department.

23. ITEMS FROM THE MEMBERSHIP

Chairman Johnson thanked everyone for the discussion at the meeting today.

24. ADJOURNMENT

Moved by Lasseter and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 12:54 p.m.

Charlie Johnson, Chairperson