

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 26, 2023 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JUNE 12, 2023, MINUTES
Moved by McGregor and seconded by Lewis to approve the Minutes of the June 12, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by Burton to approve the Agenda of the June 26, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Burton and seconded by Kuehn to approve the Consent Agenda of the June 26, 2023, Planning Commission meeting, with the removal of Items 6 and 7. 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 13-12: Donald Johnson. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 42, Block 4, Green Valley Estates, Section 23, T1N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 13-12 with the applicant's concurrence.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-14:** All American Sales; Doug Bellinger. To review seasonal retail sales of Class C Fireworks in a Heavy Industrial District in accordance with the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 Less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-14 with the following thirteen (13) conditions:

1. **That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;**
2. **That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, be posted in accordance with Pennington County Ordinance #20;**
3. **That the proposed use be limited to: seasonal retail sales of Class C fireworks;**
4. **That the sale of fireworks be limited to June 1st to July 5th of each year and from the hours of 7 a.m. to 12 a.m.;**
5. **That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;**
6. **That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;**
7. **That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;**
8. **That no parking be along the frontage road;**
9. **That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with section 312 of the Pennington County Zoning Ordinance (PCZO);**
10. **That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;**

11. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present;
12. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year; and,
13. That this Conditional Use Permit be reviewed no later than the second Planning Commission meeting in May of 2024 on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 22-41**: Ames Construction; Patrick Fairly – Agent. To review a contractor’s storage yard on the subject property for the Wild Springs Solar project in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

E1/2NE1/4, Section 7, T1N, R11E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-41 with the following fifteen (15) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
2. That the address continues be posted at the entrance to the storage yard in accordance with Ordinance #20;
3. That emergency contact information and an evacuation plan for the storage yard be posted at the entrance of the storage yard;
4. 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;
5. That dust control measures be implemented to reduce the amount of dust from trucks and equipment leaving and entering the storage yard;
6. That any bulk chemicals, fuel, and liquid refuse stored on the site have secondary containment;
7. 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;

8. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift;
9. That erosion control measures be implemented to prevent sediment leaving the site;
10. That the property remains free of junk and debris at all times;
11. That upon completion of the project, all equipment, structures, and stockpiles associated with the storage yard be removed;
12. That the site be revegetated as required by PCZO § 507(N);
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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

6. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-02: Thomas Skoog. To review the sale of retail and wholesale seasonal fireworks, to review the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to review the sale of used vehicles on the subject property in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot C, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested to have this item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Minor Planned Unit Development Amendment / PU 18-02 with the following fifteen (15) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;
2. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
3. That the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 on the structure or tent where fireworks are being sold;
4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;
5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;
6. That prior to approval of a Building Permit for a commercial structure on Lot C of Trailwood Village, the applicant has an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;
7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;
8. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
9. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
10. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
11. That no parking be allowed along the frontage roads;
12. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance;

13. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
14. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law, unless stored in a secured, permanent building; and,
15. That this Minor Planned Unit Development Amendment be reviewed in three (3) 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 Lewis and seconded by Burton to approve the extension of Minor Planned Unit Development Amendment / PU 18-02 with the following fifteen (15) conditions:

- 1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;**
- 2. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;**
- 3. That the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 on the structure or tent where fireworks are being sold;**
- 4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;**
- 5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;**
- 6. That prior to approval of a Building Permit for a commercial structure on Lot C of Trailwood Village, the applicant has an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;**
- 7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;**

8. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
9. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
10. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
11. That no parking be allowed along the frontage roads;
12. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance;
13. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
14. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law, unless stored in a secured, permanent building; and,
15. That this Minor Planned Unit Development Amendment be reviewed in three (3) 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 7 to 0.

7. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 20-04: Thomas Skoog. To review the sale of retail and wholesale seasonal fireworks on the subject property in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 1R of Lot B, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested to have this item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Minor Planned Unit Development Amendment / PU 20-04 with the following sixteen (16) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;

2. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
3. That an address be assigned to the property and that it be posted on the structure or tent where fireworks are being sold, in accordance with Pennington County Ordinance #20;
4. That the uses allowed on Lot 1R of Lot B of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws;
5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;
6. 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;
7. That prior to approval of a Building Permit for a commercial structure on Lot 1R of Lot B of Trailwood Village, the applicant has an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
10. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
11. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
12. That no parking be allowed along the frontage roads;
13. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with Section 312 of the Pennington County Zoning Ordinance (PCZO);
14. That temporary structures (which may require temporary Building Permits), such as tents, only be erected when needed and not on a permanent basis;

15. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law; and,
16. That this Minor Planned Unit Development Amendment be reviewed in three (3) 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 Lewis and seconded by Coleman to approve the extension of Minor Planned Unit Development Amendment / PU 20-04 with the following sixteen (16) conditions:

- 1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;**
- 2. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;**
- 3. That an address be assigned to the property and that it be posted on the structure or tent where fireworks are being sold, in accordance with Pennington County Ordinance #20;**
- 4. That the uses allowed on Lot 1R of Lot B of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws;**
- 5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;**
- 6. 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;**
- 7. That prior to approval of a Building Permit for a commercial structure on Lot 1R of Lot B of Trailwood Village, the applicant has an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;**
- 8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**

9. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
10. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
11. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
12. That no parking be allowed along the frontage roads;
13. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with Section 312 of the Pennington County Zoning Ordinance (PCZO);
14. That temporary structures (which may require temporary Building Permits), such as tents, only be erected when needed and not on a permanent basis;
15. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law; and,
16. That this Minor Planned Unit Development Amendment be reviewed in three (3) 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 7 to 0.

8. ROAD NAMING: Randall Peregrine. To name a 66-foot-wide access and utility easement providing access to properties located in Section 9, T1N, R6E, BHM, Pennington County, South Dakota, to Panther Lane.

Rausch reviewed that the applicant has applied for a Road Naming to name an access and utility easement to Panther Lane.

Discussion followed.

Moved by Burton and seconded by McGregor to approve of the Road Naming of Panther Lane.

All voting aye, the Motion carried 7 to 0.

9. ROAD NAMING: HWY 79, LLC; Patrick Hall. To name an existing 66-foot-wide private access easement providing access to properties located in Sections 32 and 33, T1N, R8E, BHM, Pennington County, South Dakota, to Fred Morris Lane.

Rausch reviewed that the applicant has applied for a Road Naming to name an access and utility easement to Fred Morris Lane.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of the Road Naming of Fred Morris Lane.

All voting aye, the Motion carried 7 to 0.

10. CONDITIONAL USE PERMIT / CU 23-21: Trinity Trust; Jeff Hoover - Agent. To live in an existing garage/shop building while remodeling an existing single-family residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 8, Block 3, Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in an existing garage/shop building while remodeling an existing single-family residence.

Staff recommends approval of Conditional Use Permit / CU 23-21 with the following ten (10) conditions:

1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address is clearly posted on the single-family 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 a Suburban Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the living quarters be removed from the shop building once the existing residence is habitable or at the expiration of the Building Permit for the proposed remodel, whichever comes first;

6. 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;
7. That an On-Site Wastewater Treatment System Operating License be obtained;
8. That a Building Permit be obtained for the remodel of the existing single-family residence as required;
9. That the subject property remains free of debris and junk vehicles; and,
10. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Kuehn and by Burton to approve of Conditional Use Permit / CU 23-21 with the following ten (10) conditions:

- 1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the address is clearly posted on the single-family 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 a Suburban Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
- 5. That the living quarters be removed from the shop building once the existing residence is habitable or at the expiration of the Building Permit for the proposed remodel, whichever comes first;**
- 6. 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;**
- 7. That an On-Site Wastewater Treatment System Operating License be obtained;**
- 8. That a Building Permit be obtained for the remodel of the existing single-family residence as required;**
- 9. That the subject property remains free of debris and junk vehicles; and,**

- 10. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

11. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-07: Black Elk Resort, LLC; Daniel Roth. To amend an existing Planned Unit Development to allow an additional Recreational Vehicle site on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to amend an existing Planned Unit Development to allow an additional Recreational Vehicle site on the subject property.

Staff recommended to continue Major Planned Unit Development Amendment / PU 23-07 to the July 24, 2023, Planning Commission meeting to allow the applicant time to obtain an approved Floodplain Development Permit for the new RV spot and to submit a letter from South Dakota Department of Agriculture and Natural Resources approving the change in use to the Onsite-Wastewater Treatment System.

Discussion followed.

Moved by Hadcock and seconded by Kuehn to continue to continue Major Planned Unit Development Amendment / PU 23-07 to the July 24, 2023, Planning Commission meeting to allow the applicant time to obtain an approved Floodplain Development Permit for the new RV spot and to submit a letter from South Dakota Department of Agriculture and Natural Resources approving the change in use to the Onsite-Wastewater Treatment System.

All voting aye, the Motion carried 7 to 0.

12. CONDITIONAL USE PERMIT / CU 23-20: David and Angela Roland. To allow a Bed and Breakfast in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3A, Hill City Heights Subdivision, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Bed and Breakfast.

Staff recommended approval of Conditional Use Permit / CU 23-20 with the following fifteen (15) conditions:

1. That the maximum occupancy of the Bed and Breakfast be limited to 4 people based on the space above the garage having 2 bedrooms;
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, which will require approval from SD DANR;
3. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants want to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly;
4. That the proper permits be obtained prior to constructing 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 guests regarding the current day's fire condition, as pertaining to the use of the grill or if the applicant builds a fire pit;
6. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That a minimum of one off-street parking space per bedroom 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;
8. That if the applicant chooses to post an exterior sign, the sign shall meet the requirements of PCZO §§323(B)(3)(b) and 312;
9. That an interior sign shall be posted in the Bed and Breakfast for all guests, in accordance with the requirements of PCZO § 323(B)(3)(d);
10. That the addresses for the single-family residence be posted on the structure at all times and at the driveway where it intersects Forest Street, in accordance with Pennington County's Ordinance #20;
11. That the Bed and Breakfast continues to be classified as owner occupied with the Pennington County Department of Equalization;
12. That the applicant ensures the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;

14. 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,
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 verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Kuehn and seconded by Lewis to approve of Conditional Use Permit / CU 23-20 with the following fifteen (15) conditions:

1. That the maximum occupancy of the Bed and Breakfast be limited to 4 people based on the space above the garage having 2 bedrooms;
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, which will require approval from SD DANR;
3. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants want to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly;
4. That the proper permits be obtained prior to constructing 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 guests regarding the current day's fire condition, as pertaining to the use of the grill or if the applicant builds a fire pit;
6. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That a minimum of one off-street parking space per bedroom 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;
8. That if the applicant chooses to post an exterior sign, the sign shall meet the requirements of PCZO §§323(B)(3)(b) and 312;
9. That an interior sign shall be posted in the Bed and Breakfast for all guests, in accordance with the requirements of PCZO § 323(B)(3)(d);

10. That the addresses for the single-family residence be posted on the structure at all times and at the driveway where it intersects Forest Street, in accordance with Pennington County's Ordinance #20;
11. That the Bed and Breakfast continues to be classified as owner occupied with the Pennington County Department of Equalization;
12. That the applicant ensures the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;
14. 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,
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 verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

13. TELECOMMUNICATIONS FACILITY PERMIT / TC 23-02: ANCO Developments, LLC. To allow a self-supporting telecommunications tower and equipment shelter on the subject property in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Telecommunications Facility Permit to allow self-supporting telecommunications tower and equipment shelter on the subject property.

Staff recommended approval of Telecommunications Facilities Permit / TC 23-02 with the following ten (10) conditions:

1. That a Building Permit(s) is obtained prior to the installation of the proposed Telecommunications Facility;
2. That the Telecommunications Facility be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G "Structural Standard for Antenna Supporting Structures and Antennas";
3. That emergency radio communication equipment be allowed on the tower so as long as it does not interfere with the applicant's broadcast system;

4. That the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;
5. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;
6. That at the time a Building Permit is submitted, an address be assigned to the Tower and that the address be properly posted in accordance with Ordinance #20;
7. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;
8. That an approved Approach Permit be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for TC 23-02;
9. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property in accordance with Section 316, or a Variance be obtained; and,
10. That this Telecommunication Facilities Permit be reviewed in two (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.

Discussion followed.

Moved by Burton and Lewis to approve of Telecommunications Facilities Permit / TC 23-02 with the following ten (10) conditions:

- 1. That a Building Permit(s) is obtained prior to the installation of the proposed Telecommunications Facility;**
- 2. That the Telecommunications Facility be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas”;**
- 3. That emergency radio communication equipment be allowed on the tower so as long as it does not interfere with the applicant's broadcast system;**
- 4. That the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;**
- 5. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;**

6. That at the time a Building Permit is submitted, an address be assigned to the Tower and that the address be properly posted in accordance with Ordinance #20;
7. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;
8. That an approved Approach Permit be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for TC 23-02;
9. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property in accordance with Section 316, or a Variance be obtained; and,
10. That this Telecommunication Facilities Permit be reviewed in two (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.

All voting aye, the Motion carried 7 to 0.

14. COMPREHENSIVE PLAN AMENDMENT / CA 23-06: Adam Weaver / Sharon Holte Weaver; Sarah Tschetter - Agent. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Southeast Corner of Lot 4 of Strato Rim Estates located in Gov't Lot 4 and the SE1/4 of the SW1/4 of Section 7, Township 1 South, Range 7 East of the Black Hills Meridian, which is the POINT OF BEGINNING, POINT NO 1; Thence N 89°15'32" W - a distance of 580.00 feet to Point No. 2 which is the TRUE POINT OF BEGINNING, Thence N 30°14'44" E - a distance of 172.33 feet to Point No. 3; Thence S 89°15'32" E - a distance of 173.89 feet to Point No. 4; Thence S 00°44'28" W - a distance of 149.98 feet to Point No. 5; Thence N 89°15'32" W - a distance of 258.76 feet to the TRUE POINT OF BEGINNING, Point No. 2; Containing 0.740 Acres "more or less", located in Gov't Lot 4 and SE1/4 of SW1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the June 12, 2023, Planning Commission meeting.)

Talmage reviewed that this item was continued from the June 12, 2023, Planning Commission meeting.

Staff recommended to continue Comprehensive Plan Amendment / CA 23-06 to the July 24, 2023, Planning Commission meeting.

Discussion followed.

Moved by Hadcock and seconded by Kuehn to continue Comprehensive Plan Amendment / CA 23-06 to the July 24, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

15. REZONE / RZ 23-09: Adam Weaver / Sharon Holte Weaver; Sarah Tschetter - Agent. To rezone 0.74 acre from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Southeast Corner of Lot 4 of Strato Rim Estates located in Gov't Lot 4 and the SE1/4 of the SW1/4 of Section 7, Township 1 South, Range 7 East of the Black Hills Meridian, which is the POINT OF BEGINNING, POINT NO 1; Thence N 89°15'32" W - a distance of 580.00 feet to Point No. 2 which is the TRUE POINT OF BEGINNING, Thence N 30°14'44" E - a distance of 172.33 feet to Point No. 3; Thence S 89°15'32" E - a distance of 173.89 feet to Point No. 4; Thence S 00°44'28" W - a distance of 149.98 feet to Point No. 5; Thence N 89°15'32" W - a distance of 258.76 feet to the TRUE POINT OF BEGINNING, Point No. 2; Containing 0.740 Acres "more or less", located in Gov't Lot 4 and SE1/4 of SW1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota

(Continued from the June 12, 2023, Planning Commission meeting.)

Talmage reviewed that this item was continued from the June 12, 2023, Planning Commission meeting.

Staff recommended to continue Rezone / RZ 23-09 to the July 24, 2023, Planning Commission meeting.

Discussion followed.

Moved by Hadcock and seconded by Kuehn to continue Rezone / RZ 23-09 to the July 24, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

16. TELECOMMUNICATIONS FACILITY PERMIT / TC 23-01: Pennington County Fire Department / Pennington County Highway Department. To allow a self-supporting public safety radio tower and equipment shelter on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot WR-1, West River Rural Water Subdivision, Section 28, T3N, R16E, BHM, Pennington County, South Dakota.

Commissioner Burton stated he would abstain from voting on this item.

Molitor reviewed the Staff Report indicating the applicants have applied for a self-supporting public safety radio tower and equipment shelter on the subject property.

Staff recommended approval of Telecommunications Facilities Permit / TC 23-01 with the following ten (10) conditions:

1. That a Building Permit(s) is obtained prior to the installation of the proposed Telecommunications Facility;
2. That the Telecommunications Facility be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas”;
3. That emergency radio communication equipment be allowed on the tower so long as it does not interfere with the applicant's broadcast system.
4. That the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;
5. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;
6. That at the time a Building Permit is submitted, an address be assigned to the Tower and that the address be properly posted in accordance with Ordinance #20;
7. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;
8. That an approved Approach Permit be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for TC 23-02;
9. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property in accordance with Section 316, or a Variance be obtained; and,
10. That this Telecommunication Facilities Permit be reviewed in two (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.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Telecommunications Facilities Permit / TC 23-01 with the following ten (10) conditions:

- 1. That a Building Permit(s) is obtained prior to the installation of the proposed Telecommunications Facility;**
- 2. That the Telecommunications Facility be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas”;**
- 3. That emergency radio communication equipment be allowed on the tower so as long as it does not interfere with the applicant's broadcast system.**
- 4. That the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;**
- 5. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;**
- 6. That at the time a Building Permit is submitted, an address be assigned to the Tower and that the address be properly posted in accordance with Ordinance #20;**
- 7. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;**
- 8. That an approved Approach Permit be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for TC 23-02;**
- 9. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property in accordance with Section 316, or a Variance be obtained; and,**
- 10. That this Telecommunication Facilities Permit be reviewed in two (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.**

All voting, the Motion carried 6 to 0. Commissioner Burton abstained from voting.

17. ORDINANCE AMENDMENT / OA 23-09: Pennington County. To amend Section 103 Definitions [to amend and supersede the existing Section 103 Definitions] of the Pennington County Zoning Ordinance.

(Continued from the June 12, 2023, Planning Commission meeting.)

Molitor stated this is an Ordinance Amendment to amend Section 103 – Definitions of the Zoning Ordinance.

Staff recommended to continue Ordinance Amendment / OA 23-09 to the July 10, 2023, Planning Commission meeting.

Discussion followed.

Moved by Lewis and seconded by Burton to continue Ordinance Amendment / OA 23-09 to the July 10, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

18. ORDINANCE AMENDMENT / OA 23-10: Pennington County. To amend Section 900 “Road Improvements and Design Standards” [to amend and supersede the existing Section 900 “Road Improvements and Design Standards”] of the Pennington County Subdivision Regulations.

Molitor stated this is an Ordinance Amendment to amend Section 900 - Road Improvements and Design Standards of the Subdivision Regulations.

Staff recommended to continue Ordinance Amendment / OA 23-10 to the July 10, 2023, Planning Commission meeting.

Discussion followed.

Moved by McGregor and seconded by Lewis to continue Ordinance Amendment / OA 23-10 to the July 10, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

19. ORDINANCE AMENDMENT / OA 23-11: Pennington County. To amend Section 511 “Fees” [to amend and supersede the existing Section 511 “Fees”] of the Pennington County Zoning Ordinance.

Molitor stated this is an Ordinance Amendment to amend Section 511 - Fees of the Zoning Ordinance.

Staff recommended to continue Ordinance Amendment / OA 23-11 to the July 10, 2023, Planning Commission meeting.

Discussion followed.

Moved by Lewis and seconded by Burton to continue Ordinance Amendment / OA 23-11 to the July 10, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

20. 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.

(Continued from the May 22, 2023, Planning Commission meeting.)

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

Staff recommended to continue Ordinance Amendment / OA 23-01 to the July 24, 2023, Planning Commission meeting.

Discussion followed.

Moved by Hadcock and seconded by Kuehn to continue Ordinance Amendment / OA 23-01 to the July 24, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 12, 2023, Planning Commission meeting with the exception of: Comprehensive Plan Amendment 23-05 and Rezone 23-08 - Pink Cabin, LLC. These items were continued to the July 5, 2023, Board meeting at the request of the applicant.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

There were no items from Staff.

24. ITEMS FROM THE MEMBERSHIP

Chairman Johnson provided the Planning Commission with an update on the VHR Committee meeting, and further spoke of a health and safety concern regarding a property.

Commissioner Hadcock thanked the Planning Commission for their service.

25. ADJOURNMENT

Moved by Coleman and seconded by McGregor to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:53 a.m.

Charlie Johnson, Chairperson