

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 26, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Sande Runde, Jim Coleman, Sandy Brockhouse, and Deb Hadcock.

STAFF PRESENT: Brittney Molitor, Chutima Supboon, Madisen Ransom, Cody Sack, Jason Theunissen, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 12, 2021, MINUTES
Moved by Johnson and seconded by Runde to approve the Minutes of the July 12, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Coleman to approve the Agenda of the July 26, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Runde and seconded by Johnson to approve the Consent Agenda of the July 26, 2021, Planning Commission meeting, with the removal of Item #7. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 15-25: Rushmore Shadows, LLC. To review a Recreational Resort in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 15-25 with the following sixteen (16) conditions:

1. **That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;**

2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;
4. That no more than 50 tent sites be allowed;
5. That each site (RV or tent) must include one 1 parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
7. That each RV site be equipped with water and electric hook-ups;
8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
9. That a minimum 10-foot separation be provided between each RV site;
10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
13. That the Recreational Resort continue to conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;

15. That a **Building Permit** be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director; and,
16. That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-34:** Mary Bitz. To review a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Rural Residential District in accordance with Section 510 of the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the May 10, 2021, Planning Commission meeting.)

To approve the extension of Conditional Use Permit / CU 16-34 with the following eight (8) conditions:

1. That the assigned address for the subject property be properly posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;
2. That the minimum setback requirements for a Rural Residential District be continually maintained on the property;
3. That the subject property remains free of debris and junk vehicles;
4. 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;
5. That no additional living quarters be allowed to exist on the property;
6. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
7. That the applicant adheres to the Forest Service comments at all times; and,
8. That this Conditional Use Permit be reviewed in 1 year, 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 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-20:** Melissa Masters. To review a mobile large animal / home veterinary practice on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW/14, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-20 with the following ten (10) conditions.

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That no more than 4 employees are employed at any given time;**
3. **That one (1) business sign be allowed. A Sign Permit is required and must be issued in accordance with Section 312 of the Zoning Ordinance;**
4. **That the applicant continually disposes of animal waste in a timely manner and any waste be handled in accordance with ARSD §74:27:13:17;**
5. **That a minimum of five (5) off-street parking spaces continue to be provided. Each parking space shall measure at least 9 feet by 18 feet and shall be kept in a dust free manner;**
6. **That the secondary use on the subject property continue to be limited to a veterinarian practice only. Any expansion beyond this will require the Conditional Use Permit to be reviewed;**
7. **That all outside lighting be continually directed towards the ground and must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;**
8. **That no deceased animals shall be kept or stored in any structures or on the property;**
9. **That the property is continually kept free of junk and debris; and,**
10. **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 6 to 0.

6. **MINING PERMIT REVIEW / MP 16-01:** Western Construction / Tom Lien. To review a Mining Permit to excavate, extract and process gravel on a portion of the E1/2 of Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

E1/2 of Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Mining Permit / MP 16-01 with the following eighteen (18) conditions.

1. **That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals License (Mining License #09-880) be continually met;**
2. **That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Department when it is renewed;**
3. **That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge System For Nonmetallic Mineral Processing Plants in South Dakota (SDG05A185) be continually met;**
4. **That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;**
5. **The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed;**
6. **That any permanent development should be designed so as not to interfere with any future street alignments;**
7. **That all debris and materials must be secured and contained on site in a manner that prevents a safety hazard to persons, property, and/or equipment on the airport;**
8. **That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard;**
9. **That the Conditions of Approval of the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Industrial Activities (SDR00B597) be continually met;**
10. **That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;**

11. That the conditions of the FAA determination be continually met and extended as needed per the FAA expiration date;
12. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 45 feet from ground level, 3,185 feet site elevation, and 3,230 feet above mean sea level;
13. That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard to the runways;
14. That no ponding of water that could cause an attractant to flocking birds, ducks or geese;
15. That all mining operations shall maintain adequate separation from the existing water main and not place overburden, material stockpiles or heavy mining equipment within the easement or adjacent to valves and hydrants;
16. That the site shall be re-vegetated as required in Section 507-A(5)(c);
17. That the applicant sign a statement of Understanding within ten (10) business days of Permit approval; and,
18. That this Mining Permit be reviewed in five (5) years, and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

7. MINOR PLAT / MPL 21-47: Lorraine and Doug Smith; Fisk Land Surveying - Agent. To subdivide and create Lots 1 and 2 of RDS Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2S3/4NE1/4SW1/4; E1/2SE1/4SW1/4 Less That PT Lying S of Highway, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of RDS Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lots 1 and 2 of RDS Subdivision.

Staff recommended approval of Minor Plat / MPL 21-47 with the following seven (7) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That prior to filing the mylar at Register of Deeds, the map scale on the plat be 1 inch equals 100 feet;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked;
6. That prior to filing the mylar with the Register of Deeds approval for a second approach be obtained, and,
7. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Sack further stated staff would like to remove Condition #6 of the Conditions of Approval, as it is not needed.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Minor Plat / MPL 21-47 with the following six (6) conditions:

- 1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
- 3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**

4. **That prior to filing the mylar at Register of Deeds, the map scale on the plat be 1 inch equals 100 feet;**
5. **That the applicant ensures all-natural drainage ways are maintained and not blocked; 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.

8. CONDITIONAL USE PERMIT / CU 21-39: Paul and Carol Nieman. To allow a Recreational Vehicle Park on the subject property in accordance with Sections 205, 306 and 510 of the Pennington County Zoning Ordinance.

Niemann Trust Land Tract of the SE¹/₄ SE¹/₄, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the July 12, 2021, Planning Commission meeting.)

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a personal Recreational Vehicle Park.

Staff recommended approval of Conditional Use Permit / CU 21-39 with the following twenty (20) conditions.

1. That the Recreational Vehicle (RV) Park shall consist of no more than 6 RV sites;
2. That the RV park be for personal use only, and no commercial use is allowed, and operate up to 180 days per calendar year;
3. That the RV park not be utilized as a nightly, weekly vacation rental, or commercial use;
4. That within 6 months of approval of this Conditional Use Permit, the applicant shall install an On-Site Wastewater Treatment System (OSWTS) and have it inspected and approved by the Pennington County Environmental Planner;
5. That the RV Park can only be operated after the approved OSWTS has been installed;
6. That all RVs dispose of waste through the approved OSWTS;
7. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);

8. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Custer Gulch Road;
9. That each RV site has a lot number clearly posted;
10. That a minimum 10-foot separation be maintained between each RV site;
11. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;
12. That the minimum setback requirements of Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
13. That the minimum 58-foot Section Line setback be maintained on the property;
14. That an approved Approach Permit be obtained from the County Highway Department;
15. 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;
16. That the subject property remains free of debris and junk vehicles;
17. That the applicant adheres to PCZO § 510;
18. That this Conditional Use Permit be reviewed if the RV park is no longer utilized for personal use;
19. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
20. That this Conditional Use Permit be reviewed in 6 months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Hadcock and seconded by Runde to recommend approval of Conditional Use Permit / CU 21-39 with the following twenty (20) conditions.

- 1. That the Recreational Vehicle (RV) Park shall consist of no more than 6 RV sites;**
- 2. That the RV park be for personal use only, and no commercial use is allowed, and operate up to 180 days per calendar year;**

3. That the RV park not be utilized as a nightly, weekly vacation rental, or commercial use;
4. That within 6 months of approval of this Conditional Use Permit, the applicant shall install an On-Site Wastewater Treatment System (OSWTS) and have it inspected and approved by the Pennington County Environmental Planner;
5. That the RV Park can only be operated after the approved OSWTS has been installed;
6. That all RVs dispose of waste through the approved OSWTS;
7. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);
8. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Custer Gulch Road;
9. That each RV site has a lot number clearly posted;
10. That a minimum 10-foot separation be maintained between each RV site;
11. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;
12. That the minimum setback requirements of Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
13. That the minimum 58-foot Section Line setback be maintained on the property;
14. That an approved Approach Permit be obtained from the County Highway Department;
15. 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;
16. That the subject property remains free of debris and junk vehicles;
17. That the applicant adheres to PCZO § 510;
18. That this Conditional Use Permit be reviewed if the RV park is no longer utilized for personal use;

19. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
20. That this Conditional Use Permit be reviewed in 6 months, 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.

9. CONDITIONAL USE PERMIT / CU 21-43: Kenneth and Carin Wilson. To allow a multi-family dwelling in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4SW1/4, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a multi-family dwelling.

Staff recommended approval of Conditional Use Permit / CU 21-43 with the following eleven (11) conditions:

1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any work being done;
2. That a minimum of 4 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;
3. 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);
4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and South Dakota Department of Agriculture and Natural Resources (SD DANR);
5. That the applicant adheres the requirement of PCZO § 303;
6. That the minimum setback requirements of Agriculture District be continually maintained on the property;
7. That the address, 23956 S. Rockerville Road, be posted on the residence and at the end of drive where it intersects S Rockerville Road, in accordance with Pennington County Ordinance #20;

8. That an address be assigned to the multi-family dwelling unit and be posted on the structure and at the end of drive where it intersects S Rockerville Road, in accordance with Pennington County Ordinance #20;
9. That the applicant adheres to the U.S. Forest Service requirements at all times;
10. 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;
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of Conditional Use Permit / CU 21-43 with the following eleven (11) conditions:

- 1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any work being done;**
- 2. That a minimum of 4 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;**
- 3. 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);**
- 4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and South Dakota Department of Agriculture and Natural Resources (SD DANR);**
- 5. That the applicant adheres the requirement of PCZO § 303;**
- 6. That the minimum setback requirements of Agriculture District be continually maintained on the property;**
- 7. That the address, 23956 S. Rockerville Road, be posted on the residence and at the end of drive where it intersects S Rockerville Road, in accordance with Pennington County Ordinance #20;**
- 8. That an address be assigned to the multi-family dwelling unit and be posted on the structure and at the end of drive where it intersects S Rockerville Road, in accordance with Pennington County Ordinance #20;**

9. That the applicant adheres to the U.S. Forest Service requirements at all times;
10. 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; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT / CU 21-44: Michael and Jeanne Wagner; Frank Smyle - Agent. To live in a Recreational Vehicle while building a single-family residence on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a Recreational Vehicle while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-44 with the following fourteen (14) conditions:

1. That no more than 1 Recreational Vehicle (RV) is allowed to be utilized as temporary living quarters on the subject property;
2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
3. That an approved On-site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property;
4. That within 30 days of approval, the applicant installs a port-a-let on the subject property as a means of wastewater disposal and provides the Planning Department a copy of the rental/service agreement;
5. That within 30 days of approval, the applicant receives approved approach permits from the County Highway Department for access off of Takoda Road;
6. That within 30 days of approval, the applicant works with the Planning Department to ensure all requirements of the Pennington County Storm Water Quality Manual are being met;

7. That within 30 days of approval, the applicant works with the County Highway Department to ensure proper road signs are posted at the intersection of Takoda Road and Calumet Road;
8. That an address be assigned to the RV and that it be clearly posted on the RV and at the intersection of the applicants' driveway and Takoda Road, in accordance with Pennington County's Ordinance #20;
9. That the minimum setback requirements of an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be stored on the property and disconnected from utilities, or this Conditional Use Permit be amended;
11. 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;
12. That the property remains free of debris and junk vehicles;
13. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
14. 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 Hadcock and seconded by Runde to approve of Conditional Use Permit / CU21-44 with the following fourteen (14) conditions:

- 1. That no more than 1 Recreational Vehicle (RV) is allowed to be utilized as temporary living quarters on the subject property;**
- 2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;**
- 3. That an approved On-site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property;**
- 4. That within 30 days of approval, the applicant installs a port-a-let on the subject property as a means of wastewater disposal and provides the Planning Department a copy of the rental/service agreement;**

5. That within 30 days of approval, the applicant receives approved approach permits from the County Highway Department for access off of Takoda Road;
6. That within 30 days of approval, the applicant works with the Planning Department to ensure all requirements of the Pennington County Storm Water Quality Manual are being met;
7. That within 30 days of approval, the applicant works with the County Highway Department to ensure proper road signs are posted at the intersection of Takoda Road and Calumet Road;
8. That an address be assigned to the RV and that it be clearly posted on the RV and at the intersection of the applicants' driveway and Takoda Road, in accordance with Pennington County's Ordinance #20;
9. That the minimum setback requirements of an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be stored on the property and disconnected from utilities, or this Conditional Use Permit be amended;
11. 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;
12. That the property remains free of debris and junk vehicles;
13. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
14. 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 6 to 0.

11. LAYOUT PLAN / LPL 21-45: Gerard and Michele Mlinar. To reconfigure lot lines to create Lot 2A-1 and 2B-1 of Battle Creek Mountain Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2A and Lot 2B, Battle Creek Mountain Estates, Section 17, T2S, R7E, BHM, Pennington County.

PROPOSED LEGAL: Lot 2A-1 and 2B-1 of Battle Creek Mountain Estates, Section 17, T2S, R7E, BHM, Pennington County.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines and create Lot 2A-1 and 2B-1 of Battle Creek Mountain Estates.

Staff recommended approval of Layout Plan / LPL 21-45 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. 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;
4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. 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;
6. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
7. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
8. 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 Brockhouse to approve of Layout Plan / LPL 21-45 with the following eight (8) conditions:

- 1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**

2. **That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
3. **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;**
4. **That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
5. **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;**
6. **That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;**
7. **That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
8. **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. LAYOUT PLAN / LPL 21-48: Kevin and Jeanette Grover. To subdivide and create Lots 2R1 and 2R2 of Grover Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

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

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 2R1 and 2R2 of Grover Subdivision.

Staff recommended approval of Layout Plan / LPL 21-48 with the following ten (10) conditions:

1. That the applicant works with the Planning Department to bring the existing On-Site Wastewater Treatment System into compliance and identify that an adequate means of wastewater disposal exists for the three guest cottages;

2. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
3. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That at the time of Minor Plat submittal, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
5. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Minor Plat submittal, a legal means of access (easements or rights-of-way) to proposed Lot 2R2 be identified on the plat;
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 provides percolation tests and soil profile hole information for proposed Lot 2R2 or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
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.

Theunissen further stated staff is recommending to remove Condition #1 of the Conditions of Approval.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Layout Plan / LPL 21-48 with the following ten (10) conditions:

- 1. That the applicant works with the Planning Department to bring the existing On-Site Wastewater Treatment System into compliance and identify that an adequate means of wastewater disposal exists for the three guest cottages;**
- 2. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**

3. **That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;**
4. **That at the time of Minor Plat submittal, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
5. **That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
6. **That at the time of Minor Plat submittal, a legal means of access (easements or rights-of-way) to proposed Lot 2R2 be identified on the plat;**
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 provides percolation tests and soil profile hole information for proposed Lot 2R2 or an approved Subdivision Regulations Variance be obtained, waiving these requirements;**
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.

13. VACATION OF EASEMENT / VE 21-01: John and Emily Kolasa; Fisk Land Surveying - Agent. To vacate and relocate a portion of the Water Line Easement on Lot M-3 of Deer Park Subdivision in accordance with the Pennington County Zoning Ordinance.

Lot M-3 of Deer Park Subdivision located in the NW1/4 of Section 10, T1N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Vacation of Easement to vacate and relocate a portion of the Water Line Easement on Lot M-3 of Deer Park Subdivision.

Staff recommended approval of Vacation of Easement / VE 21-01 with the following one (1) condition:

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Vacation of Easement / VE 21-01 with the following one (1) condition:

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.

All voting aye, the Motion carried 6 to 0.

Commissioner Brockhouse left the meeting at 9:47 a.m.

Commissioner Brockhouse returned to the meeting at 9:48 a.m.

14. VACATION OF PLAT / VP 21-04: Bryan and Michelle Lindsey. To vacate plat notes #7, #8, #9, #13, and #14 for Lot 1, Block 3, Mountain Meadows Subdivision in Section 17, T2S, R7E.

Lot 1, Block 3, 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 plat notes #7, #8, #9, #13, and #14 for Lot 1, Block 3, Mountain Meadows Subdivision.

Staff recommended approval of Vacation of Plat / VP 21-04 with the following two (2) conditions:

1. That notes #7, #9, #13, and #14 be vacated for only Lot 1, Block 3, of Mountain Meadows Subdivision; and,
2. That all necessary resolutions for Vacation of Plat / VP 21-04 be recorded by the applicant at the Register of Deeds office.

Discussion followed.

Moved by Johnson and seconded by Brockhouse to approve of Vacation of Plat / VP 21-04 with the following two (2) conditions:

1. That notes #7, #9, #13, and #14 be vacated for only Lot 1, Block 3, of Mountain Meadows Subdivision; and,
2. That all necessary resolutions for Vacation of Plat / VP 21-04 be recorded by the applicant at the Register of Deeds office.

All voting aye, the Motion carried 6 to 0.

15. CONDITIONAL USE PERMIT / CU 21-38: David and Nancy Miller. To allow for food trucks to be parked and operated on the subject property in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lots 10-16, Block 2, Old Town Subdivision, Section 26, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the July 12, 2021, Planning Commission meeting.)

Sack stated the applicant has applied for a Conditional Use Permit to allow for food trucks to be parked and operated on the subject property.

Staff recommended to continue Conditional Use Permit / CU 21-38 to the August 9, 2021, Planning Commission meeting, per the request of the applicant.

Moved by Hadcock and seconded by Brockhouse to continue Conditional Use Permit / CU 21-38 to the August 9, 2021, Planning Commission meeting, per the request of the applicant.

All voting aye, the Motion carried 6 to 0.

16. PRELIMINARY PLAT / PPL 21-46: Jess and Kendra Kellogg; Davis Engineering - Agent. To create Lot 12R Revised, Block 5 of Northdale Subdivision and Lot A Revised of Riss Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Riss Subdivision and Lot 12 Revised of Block 5 of Northdale Subdivision, all located in Section 8, T2N, R7E, BHM, Pennington County and Meade County, South Dakota.

PROPOSED LEGAL: Lot A Revised of Riss Subdivision and Lot 12R Revised of Block 5 of Northdale Subdivision, all located in Section 8, T2N, R7E, BHM, Pennington County and Meade County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to create Lot 12R Revised, Block 5 of Northdale Subdivision and Lot A Revised of Riss Subdivision.

Staff recommended approval of Preliminary Plat / PPL 21-46 with the following six (6) conditions:

1. That prior to Final Plat submittal, a Variance be obtained from the Board of Commissioners to allow two approaches;
2. That the certificate for the Register of Deeds be amended to read Pennington County;

3. 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;
4. 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;
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 Johnson to approve of Preliminary Plat / PPL 21-46 with the following six (6) conditions:

- 1. That prior to Final Plat submittal, a Variance be obtained from the Board of Commissioners to allow two approaches;**
- 2. That the certificate for the Register of Deeds be amended to read Pennington County;**
- 3. 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;**
- 4. 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;**
- 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.

17. TELECOMMUNICATIONS FACILITY PERMIT / TC 21-03: Elevated Towers; Jonah Snyder / Ben Snyder. To allow for a 300-foot self-supporting telecommunications tower and equipment shelter on the subject property in a Highway Service District in accordance with Sections 212 and 316 of the Pennington County Zoning Ordinance.

Tract 2, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the July 12, 2021, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Telecommunications Facility Permit to allow for a 300-foot self-supporting telecommunications tower and equipment shelter on the subject property.

Staff recommended approval of Telecommunications Facilities Permit / TC 21-03 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 the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;
4. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;
5. 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;
6. 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;
7. 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 21-03;
8. That prior to submittal of a Building Permit, an easement be obtained from the property owner to the west to allow a buffer area for the telecommunications tower;

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 Coleman and seconded by Runde to approve of Telecommunications Facilities Permit / TC 21-03 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 the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;**
- 4. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;**
- 5. 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;**
- 6. 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;**
- 7. 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 21-03;**
- 8. That prior to submittal of a Building Permit, an easement be obtained from the property owner to the west to allow a buffer area for the telecommunications tower;**
- 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 6 to 0.

Commissioner Runde left the meeting at 10:20 a.m.
Commissioner Runde returned to the meeting at 10:21 a.m.

18. CONDITIONAL USE PERMIT REVIEWS AND STANDARD CONDITIONS.

Chairman Marsh discussed items of concern from the Planning Commission regarding Conditional Use Permits and standard Conditions of Approval.

Commissioner Brockhouse left the meeting at 10:45 a.m.
Commissioner Brockhouse returned to the meeting 10:47 a.m.

19. UPDATE ON TRIP TO ADAMS COUNTY, COLORADO.

Molitor provided an update on the trip to Adams County, Colorado.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 12th Planning Commission meeting with the exception of Rezone 21-16: Keith Lau, which was approved by the Board of Commissioners.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

There were no items from staff.

23. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

24. ADJOURNMENT

Moved by Hadcock and seconded by Coleman to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:09 a.m.

Rich Marsh, Chairperson