

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen McGregor, Charlie Johnson, Sande Runde, Jim Coleman, Sandy Brockhouse, and Lloyd LaCroix.

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

ROLL CALL

1. APPROVAL OF THE JULY 26, 2021, MINUTES
Moved by Johnson and seconded by Coleman to approve the Minutes of the July 26, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Brockhouse to approve the Agenda of the August 9, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Coleman and seconded by Brockhouse to approve the Consent Agenda of the August 9, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 13-19:** Ken and Cory Tomovick. To review a Recreational Resort to allow for events of 20 people or less in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Bonanza Bar MC 970 and the Unplatted Part of Bonanza Bar MC 970 (also in Section 1), Section 12, T1S, R6E, BHM, Pennington County, South Dakota

To approve the extension of Conditional Use Permit / CU 13-19 with the following sixteen (16) conditions:

1. **That the Conditional Use Permit be for receptions with a maximum of 20 guests;**

2. That the business continue to be conducted by members of the family residing on the premises and no more than 1 additional person;
3. That prior to any work within the 100-year floodplain, the applicant obtain approval of a Floodplain Development Permit;
4. That the applicant continue to provide reliable means of communication in case of an emergency;
5. That the lot address (23632 Strato Bowl) continue to be posted on the residence at all times and so it is clearly visible from Danube Lane, in accordance with Pennington County's Ordinance #20;
6. That the applicant continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of ten (10) off-street parking spaces continue to 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 all music being provided for outdoor activities be shut down by 10:00 p.m.;
9. That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;
10. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That the applicant continue to maintain all necessary permits from the South Dakota Department of Health for the Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
13. That a port-a-potty may be utilized by the guests of the events for wastewater disposal. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;

15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit; and,
16. That this Conditional Use Permit be reviewed in 5 years, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-45:** Gold Run III, LLC (Greg Wittenberg). To review an existing caboose to be used as a seasonal dwelling on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

To approve the extension of Conditional Use Permit / CU 17-45 with the following eight (8) conditions.

1. That the lot address (11361 Gillette Prairie Road) continue to be properly posted on the caboose and at the driveway so it is clearly visible from both directions of travel on Gillette Prairie Road, in accordance with Pennington County's Ordinance #20;
2. That the seasonal dwelling (caboose) shall not be used for more than 180 days per calendar year;
3. 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;
4. That all future structures meet the minimum required setbacks for a Agriculture District or an approved Setback Variance be obtained prior to Building Permit approval;
5. That the caboose continue to be used for personal use only. No commercial activity and no rentals outside of SDCL 42-18-1(17) shall be permitted;
6. That the property continue to remain free of debris and junk vehicles;
7. That the comments provided by the U.S. Forest Service be adhered to at all times; and,

8. 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.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-46:** Brady and Liana Wolfe. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot A Revised, Woodland Valley Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-46 with the following ten (10) conditions.

1. That the deed restriction recorded with the Register of Deeds continues to be maintained for the Guest House;
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);
6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Potter Road, in accordance with Pennington County Ordinance #20;
8. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;
9. 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; 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.

END OF CONSENT AGENDA

6. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 21-12: Rex Gortmaker. A special consideration to PUD 79-02 to reduce the side yard setback from 8 feet to 1 foot and to reduce the rear yard setback from 25 feet to 4 feet in accordance with Section 316 of the Pennington County Zoning Ordinance.

Lot 19, Block 6, Trailwood Village Subdivision, Section 10, T1N, R8E, BMH, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied to amend the existing Trailwood Village Planned Unit Development to reduce the side yard setback from 8 feet to 1 foot and to reduce the rear yard setback from 25 feet to 4 feet.

Staff recommended approval of the Special Consideration of the Trailwood Village Planned Unit Development / PU 21-12 with the following four (4) conditions:

1. That the Conditions of Approval of PU 05-19 be continually adhered to;
2. That the rear yard setback be reduced from 25 feet to 8 feet and only apply to the proposed garage addition on Lot 19, Block 6 of Trailwood Village Subdivision;
3. That all other structures must maintain the setback requirements or obtain approval of a separate Planned Unit Development Amendment;
4. That this Planned Unit Development be reviewed on a complaint basis only.

Discussion followed.

Moved by LaCroix and seconded by Runde to approve of the Special Consideration of the Trailwood Village Planned Unit Development / PU 21-12 with the following four (4) conditions:

1. **That the Conditions of Approval of PU 05-19 be continually adhered to;**
2. **That the rear yard setback be reduced from 25 feet to 8 feet and only**

apply to the proposed garage addition on Lot 19, Block 6 of Trailwood Village Subdivision;

- 3 That all other structures must maintain the setback requirements or obtain approval of a separate Planned Unit Development Amendment;**
- 4 That this Planned Unit Development be reviewed on a complaint basis only.**

All voting aye, the Motion carried 6 to 0.

7. CONDITIONAL USE PERMIT / CU 21-47: Lind Camp, LLC / Sheila Gillespie. To allow a Vacation Home Rental in an Agriculture District and Highway Service District in accordance with Sections 205, 212, and 510 of the Pennington County Zoning Ordinance.

N1/2NE1/4; SW1/4NE1/4; NE1/4NW1/4, Section 17, T1N, R3E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 21-47 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-47, be subject to PCZO § 511(P), which imposes a \$100 fee per review;

7. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 3 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (11380 Slate Prairie Road) be posted on the residence at all times and at the driveway where it intersects Slate Prairie Road, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) at all times;
13. That if the person designated as the Local Contact is ever changed from Sheila Gillespie and/or Debbie McVey, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
17. That this Conditional Use Permit be reviewed in 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 Johnson and seconded by Coleman to add an additional condition to state: “That once the Planning Department receives verification that the egress window has been updated, per the SD Department of Health’s inspection, the Planning Director can change the review of the Conditional Use Permit to one (1) year.”

All voting aye, the Motion carried 6 to 0.

Moved by Coleman and seconded by Johnson to approve of Conditional Use Permit / CU 21-47 with the following eighteen (18) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant shall provide the phone number and/or internet address to clients regarding the current day’s fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-47, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 3 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (11380 Slate Prairie Road) be posted on the residence at all times and at the driveway where it intersects Slate Prairie Road, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) at all times;
13. That if the person designated as the Local Contact is ever changed from Sheila Gillespie and/or Debbie McVey, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
17. That once the Planning Department receives verification that the egress window has been updated, per the SD Department of Health's inspection, the Planning Director can change the review of the Conditional Use Permit to one (1) year; and,
18. 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.

8. REZONE / RZ 21-24: H&H Land Company #2, LLC; Brian Hammerbeck - Agent. To rezone 169.26 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Lot X located in GL 1 and E1/2SE1/4 Less S553.09 feet of SE1/4SE1/4 and Less South Caputa Addition; PT GL1 Less South Caputa Addition, Section 1, T1S, R9E, and The Southwest Part of Gov't Lot 4 located south of Railroad ROW as described in Warranty

Deed Bk 20, Pg 183; Part GL 5 less ROW; PT NE1/4SW1/4; GL 6; SE1/4SW1/4; PT NW1/4SE1/4 in Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 169.26 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 21-24.

Discussion followed.

Moved by LaCroix and seconded by Runde to approve of Rezone / RZ 21-24.

All voting aye, the Motion carried 6 to 0.

9. LAYOUT PLAN / LPL 21-49: Jeffrey Scherr. To reconfigure lots lines to create Lots D1 Revised and D2 Revised of Lot 17 of Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

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

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lots lines to create Lots D1 Revised and D2 Revised of Lot 17 of Fort Meade Placer 244.

Staff recommended approval of Layout Plat / LPL 21-49 with the following seven (7) conditions:

1. That the applicant ensures all-natural drainage ways are maintained and are not blocked;
2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;

6. That at the time of Preliminary 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; and,
7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Coleman and seconded by Runde to approve of Layout Plat / LPL 21-49 with the following seven (7) conditions:

- 1. That the applicant ensures all-natural drainage ways are maintained and are not blocked;**
- 2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;**
- 3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 5. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
- 6. That at the time of Preliminary 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; and,**
- 7. 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.

10. 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 26, 2021, Planning Commission meeting.)

Sack reviewed the Staff Report indicating 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 approval of Conditional Use Permit / CU 21-38 with the following conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
2. That only 8 food trucks are allowed to be on the subject property at a time;
3. That a maximum of 100 be allowed to utilize the food trucks at any given time;
4. That any sign complies with §312 of the Pennington County Zoning Ordinance;
5. That all picnic tables, food trucks, parking, and port-a-potties be a minimum 10 feet from all property lines;
6. That each food truck maintains a 10-foot setback to one another;
7. That the 4 port-a-potties be located a minimum 50 feet from all picnic tables and food trucks;
8. That there be a minimum of 33 parking spaces measuring not less than 9 feet x 18 feet or 162 square feet;
9. That each individual parking space be clearly designated as one parking stall and meet the requirements of §311 of the Pennington County Zoning Ordinance;
10. That no off-premise parking be allowed;
11. That the applicant works with the South Dakota Department of Transportation on their concerns for ingress and egress;
12. That the applicant acquires all applicable State, Federal, and Local Licenses;
13. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the food truck court so as to not constitute a nuisance to the general public;
14. That operation only be Friday, Saturday, and Sunday;
15. That the hours of operation be from 5p.m to 8p.m;
16. The food truck park operates from April 1st to October 31st;
17. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,

18. That this Conditional Use Permit be reviewed in (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by Runde and seconded by Brockhouse to approve of Conditional Use Permit / CU 21-38 with the following eighteen (18) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
2. That only 8 food trucks are allowed to be on the subject property at a time;
3. That a maximum of 100 be allowed to utilize the food trucks at any given time;
4. That any sign complies with §312 of the Pennington County Zoning Ordinance;
5. That all picnic tables, food trucks, parking, and port-a-potties be a minimum 10 feet from all property lines;
6. That each food truck maintains a 10-foot setback to one another;
7. That the 4 port-a-potties be located a minimum 50 feet from all picnic tables and food trucks;
8. That there be a minimum of 33 parking spaces measuring not less than 9 feet x 18 feet or 162 square feet;
9. That each individual parking space be clearly designated as one parking stall and meet the requirements of §311 of the Pennington County Zoning Ordinance;
10. That no off-premise parking be allowed;
11. That the applicant works with the South Dakota Department of Transportation on their concerns for ingress and egress;
12. That the applicant acquires all applicable State, Federal, and Local Licenses;
13. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the food truck court so as to not constitute a nuisance to the general public;
14. That operation only be Friday, Saturday, and Sunday;

- 15. **That the hours of operation be from 5p.m to 8p.m;**
- 16. **The food truck park operates from April 1st to October 31st;**
- 17. **That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,**
- 18. **That this Conditional Use Permit be reviewed in (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.**

All voting aye, the Motion carried 6 to 0.

- 11. COMPREHENSIVE PLAN AMENDMENT / CA 21-08: TDG Real Estate, LLC; Mike Gennaro. To amend the Comprehensive Plan to change the Future Land Use from Ranchette Residential District to Rural Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

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

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

Staff recommended approval of Comprehensive Plan Amendment / CA 21-08.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of Comprehensive Plan Amendment / CA 21-08.

All voting aye, the Motion carried 6 to 0.

- 12. REZONE / RZ 21-14: TDG Real Estate, LLC; Mike Gennaro. To rezone 8.79 acres from Agriculture District to Rural Residential in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

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

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 8.79 acres from Agriculture District to Rural Residential.

Staff recommended approval of Rezone / RZ 21-14.

Discussion followed.

Moved by Coleman and seconded by Runde to approve of Rezone / RZ 21-14.

All voting aye, the Motion carried 6 to 0.

13. CONDITIONAL USE PERMIT / CU 21-46: Jeff DeVeney. To allow an off-premise sign to be located on the subject property in a Highway Service District in accordance with Sections 212, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for an off-premise sign to be located on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-46 with the following eleven (11) conditions:

1. That this Conditional use Permit (CUP) only allows for a single sign structure with up to 2 off-premise non-illuminated signs;
2. That the off-premise signs shall be located no closer than 1,500 feet from all other off-premise signs;
3. That the sign structure maintains a minimum 5-foot setback from the front property line and that no part of the sign, or infrastructure of the sign, be placed within any right-of-way;
4. That the off-premise signs shall not exceed a height of 30 feet and the maximum display area shall not exceed 250 square feet on each face;
5. That the off-premise sign structure be painted and maintained in muted colors as to blend into the natural surroundings;
6. That no debris, including, but not necessarily limited to, wood material, posts, metal, paper, plastic, cardboard or other materials from the construction or maintenance of the sign shall be left at the location or vicinity of the sign;
7. That an approved Floodplain Development Permit is obtained *prior* to constructing the sign structure within the Special Flood Hazard Area located on the subject property;
8. That an approved Sign Permit be obtained *prior* to the construction of the signs or sign structure;
9. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;

10. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
11. That this Conditional Use Permit be reviewed in on 1 year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.

Discussion followed.

Moved by Runde and seconded by Coleman to approve of Conditional Use Permit / CU 21-46 with the following eleven (11) conditions:

- 1. That this Conditional use Permit (CUP) only allows for a single sign structure with up to 2 off-premise non-illuminated signs;**
- 2. That the off-premise signs shall be located no closer than 1,500 feet from all other off-premise signs;**
- 3. That the sign structure maintains a minimum 5-foot setback from the front property line and that no part of the sign, or infrastructure of the sign, be placed within any right-of-way;**
- 4. That the off-premise signs shall not exceed a height of 30 feet and the maximum display area shall not exceed 250 square feet on each face;**
- 5. That the off-premise sign structure be painted and maintained in muted colors as to blend into the natural surroundings;**
- 6. That no debris, including, but not necessarily limited to, wood material, posts, metal, paper, plastic, cardboard or other materials from the construction or maintenance of the sign shall be left at the location or vicinity of the sign;**
- 7. That an approved Floodplain Development Permit is obtained *prior* to constructing the sign structure within the Special Flood Hazard Area located on the subject property;**
- 8. That an approved Sign Permit be obtained *prior* to the construction of the signs or sign structure;**
- 9. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;**
- 10. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,**
- 11. That this Conditional Use Permit be reviewed in on 1 year, on a complaint basis, or as deemed necessary by the Pennington County Planning**

Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.

All voting aye, the Motion carried 6 to 0.

14. CONDITIONAL USE PERMIT / CU 21-45: Bruce Kitterman. To allow one Recreational Vehicle site to be used as a short-term rental on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5 of Tract 2, Palmer Subdivision, Section 14, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow one Recreational Vehicle site to be used as a short-term rental on the subject property.

Staff recommended denial of Conditional Use Permit / CU 21-45, as it is not in harmony with existing lots, current land uses, or future land use designations in the area.

If the Planning Commission disagrees with Staff's recommendation, Staff recommends the following fifteen (15) conditions be included:

1. That the Recreational Vehicle (RV) site shall consist of no more than 1 RV site and at no time is there to be more than 1 RV located on the subject property;
2. That any RV parked on the site not be utilized as a vacation home rental;
3. That any RV dispose of waste through the approved 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/or South Dakota Department of Agriculture and Natural Resources (SD DANR);
5. That the applicant maintains a current license with the South Dakota Department of Agriculture Wildland Fire Division (SDDAWFD);
6. That the applicant provides SDDAWFD contact information to guests, so they may be aware of current daily fire conditions prior to utilizing the permitted fire pit;
7. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Palmer Road;
8. That the RV site conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;

9. That the minimum setback requirements of Rural Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
10. 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;
11. That the subject property remains free of debris and junk vehicles;
12. That the applicant adheres to PCZO § 510;
13. That this Conditional Use Permit be reviewed if any changes to the RV site are requested;
14. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; 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 Runde and seconded by Coleman to deny Conditional Use Permit / CU 21-45.

Discussion continued.

Commissioner Runde left the meeting at 10:08 a.m.

Commissioner Runde returned to the meeting at 10:11 a.m.

SUBSTITUTE MOTION: Moved by LaCroix and seconded by Brockhouse to continue Conditional Use Permit / CU 21-45 to the August 23, 2021, Planning Commission meeting.

Vote on Substitute Motion: Commissioners LaCroix and Brockhouse voted yes. Commissioners Johnson, Coleman, McGregor, and Runde voted no. Substitute Motion to continue failed 2 to 4.

Vote on Original Motion to deny. Commissioners Johnson, Coleman, McGregor, and Runde voted yes. Commissioners LaCroix and Brockhouse voted no. Motion to deny passed 4 to 2.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their July 26th meeting at the August 3rd Board of Commissioner's meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

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

18. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

19. ADJOURNMENT

Moved by Runde and seconded by Coleman to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:15 a.m.

Karen McGregor, Vice Chairperson