

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 26, 2024 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Lori Litzen, Mikal Lewis, Kevin Kuehn, John Santana, and Lloyd LaCroix.

STAFF PRESENT: Brittney Molitor, Jason Theunissen, Kelsey Rausch, Christine Phillips, Jeri Ervin, and Tyler Sobczak (SAO).

ROLL CALL

1. APPROVAL OF THE AUGUST 12, 2024, MINUTES
Moved by Johnson and seconded by Litzen to approve the Minutes of the August 12, 2024, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by Kuehn to approve the Agenda of the August 26, 2024, Planning Commission meeting. Vote: unanimous 7 to 0.

3. APPROVAL OF THE CONSENT AGENDA
Moved by Kuehn and seconded by Lewis to approve the Consent Agenda of the August 26, 2024, Planning Commission meeting, with the removal of Item #5. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 10-27:** Kerry Pogany. To review an accessory structure, a pole barn, to be constructed prior to a primary structure in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 14, Back Country Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit Review / CUR 10-27, as the property is under new ownership and there is now a single-family residence on the property.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 15-16:** Nick Hobart. To review a Guest House on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

The W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 15-16 with the following eleven (11) conditions:

1. That the lot address (11479 Gillette Prairie Road) assigned for the Guest House be continually posted on the residence and at the end of the driveway, so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;
2. That only one (1) Guest House shall be allowed on a lot and/or parcel;
3. That the rental or lease of a Guest House or the use of a Guest House as a permanent residence for a second family on the premises shall be prohibited;
4. That the minimum lot size requirement for the construction of an accessory Guest House shall be three (3) acres;
5. That the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less. Covered decks attached to the Guest House shall be included in the calculation for the overall square footage, but decking and garage space shall not;
6. That the Guest House shall not be used for more than 180 days per calendar year;
7. The Guest House shall use the same driveway approach as the primary dwelling. One additional off-street parking space, measuring a minimum of nine (9) feet by eighteen (18) feet and maintained in a dust free manner, shall be provided for the Guest House;
8. That the Guest House shall have a minimum setback of 25-feet from all property lines;
9. That a single-wide mobile home shall not be allowed as a Guest House;
10. That the Guest House shall be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot existing at the time the Building Permit is approved for the Guest House;
11. That the primary dwelling unit shall be classified as owner-occupied. Proof of status must be provided;

12. **That the utilities: All public water, sewer, electricity, and natural gas 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;**
13. **That the On-Site Wastewater Treatment System: A Guest House shall use the same on-site wastewater disposal system as the primary dwelling, except when a separate system is required by the Pennington County Environmental Planner due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use;**
14. **That, prior to the issuance of a Building Permit for a Guest House, or for use of an existing structure as a Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence;**
15. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CUR 18-24:** Plainsview Mobile Manor. To review an existing mobile home park (Plainsview Mobile Manor) in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Tract 2, Plainsview Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2024, Planning Commission meeting.)

To approve Conditional Use Permit Review / CUR 18-24 with the following twenty-one (21) conditions.

1. **That the uses of the Conditional Use Permit continue to be limited to a maximum of 112 mobile homes spaces with one (1) of the lots acting as the manager's residence;**
2. **That no mobile homes are allowed to be located on the southernmost seven (7) spaces on the subject property, where no utility hook-ups exist;**
3. **That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;**

- 4. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Floodplain Development Permit and Building Permit;**
- 5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;**
- 6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;**
- 7. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the mobile home park;**
- 8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New or replacement mobile homes must meet the minimum setback and separation requirements;**
- 9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
- 10. That an approved Floodplain Development Permit be obtained *prior* to any work being done within the Special Flood Hazard Area on the subject property (including dirt work and any structures or additions to existing structures);**
- 11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;**
- 12. That an approved Building Permit be obtained for each new residence prior to construction and 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;**
- 13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;**
- 14. That mobile homes not be allowed to be stored unoccupied on the subject property;**
- 15. That all lot numbers must be posted in accordance with Pennington County's Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4" high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;**

16. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
17. That the interior roads be continually surfaced and maintained with gravel, concrete or asphalt and maintained in a dust free manner;
18. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;
20. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO Section 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures; and,
21. That this Conditional Use Permit be reviewed in six 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.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CUR 22-31**: Scott Mohr. To review a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot A of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 22-31 with the following five (5) conditions.

1. That a minimum of 8 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)(l);
2. That the applicant adheres to the requirements of PCZO § 303;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;

4. That an approved Building Permit be obtained for any structures 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,
5. That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 22-32**: Scott Mohr. To review a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot B of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 22-32 with the following five (5) conditions:

1. That a minimum of 8 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)(I);
2. That the applicant adheres to the requirements of PCZO § 303;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That an approved Building Permit be obtained for any structures 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 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.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 22-33**: Scott Mohr. To review a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot C of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 22-33 with the following seven (7) conditions:

- 1. That a minimum of 8 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)(I);**
- 2. That the applicant adheres to the requirements of PCZO § 303;**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 4. That separate addresses be assigned to each dwelling unit;**
- 5. That the addresses must be posted on each residence so they are visible from both directions of travel on Knuckleduster Road in accordance with Pennington County Ordinance #20.;**
- 6. That an approved Building Permit be obtained for any structures 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 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.**

Vote: unanimous 7 to 0.

- 11. CONDITIONAL USE PERMIT REVIEW / CU 23-28: Golden West Telecommunications. To review a telecommunication building on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.**

Lot 4 Except 18 ft. square in SW Corner for Highway, Block 3, Caputa Subdivision, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 23-28 with the following seven (7) conditions:

- 1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the minimum setback requirements of a Suburban Residential District be maintained on the property;**

3. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
4. That the address (23505 1st Avenue) be posted on the structure so it is visible from both directions of travel on 1st Avenue in accordance with Pennington County Ordinance #20;
5. That an approved Sign Permit be obtained prior to the placement of any sign(s);
6. That the property remains free of junk and debris at all times; and,
7. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / COCUR 24-0005:** Dan and Joan Pomerence; Wade Reynolds – Agent. To review a multiple-family dwelling on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SW1/4SE1/4NE1/4, Section 5, T2S, R9E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / COCUR 24-0005 with the following six (6) 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 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 the applicant adheres to the requirement of PCZO § 303;
4. That the minimum setback requirements of Agriculture District be continually maintained on the property;
5. That addresses be assigned to the multi-family dwelling unit and be posted on the structure and at the end of the driveway where it intersects the access road, in accordance with Pennington County Ordinance #20;

6. **That this Conditional Use Permit be reviewed in 6 months, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

5. CONDITIONAL USE PERMIT AMENDMENT REVIEW / CUR 14-25: Jeff DeVeny. To review the increase in size of two existing storage units from 40' x 100' to 40' x 184' in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Commissioner Johnson requested this item be removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit Amendment Review / CUR 14-25 with eleven (11) conditions.

Discussion followed.

Moved by Johnson and seconded by Kuehn to approve of Conditional Use Permit Amendment Review / CUR 14-25 with the following eleven (11) 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 a minimum of four (4) parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
3. **That two (2) storage buildings continue to be allowed on the subject property not to exceed 40' x 184' and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner's expense;**
4. **That the business address be continually posted and clearly visible in accordance with Ordinance #20;**

5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
8. That the applicant continually ensures that all natural drainage ways continue to be maintained and are not blocked;
9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Agriculture and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and that a sign continually be posted indicating after hours contact information with the owner's phone number; and,
11. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

13. CONDITIONAL USE PERMIT / COCU 24-0025: David and Megan Collier. To allow an Accessory Dwelling Unit on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

PT NE1/4SE1/4 less ROW, Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

Phillips reviewed the Staff Report indicating the applicant has applied for Conditional Use Permit to allow an Accessory Dwelling Unit of the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0025 with the following fourteen (14) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;

3. That the ADU has a residential appearance;
4. That a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with Wisehart Road, so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);
6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
7. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
10. That the principal dwelling on the property be owner-occupied or utilized as a long-term rental;
11. That at least one (1) off-street parking space be provided for the ADU;
12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
13. 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,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, 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 Litzen to approve of Conditional Use Permit / COCU 24-0025 with the following fourteen (14) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 3. That the ADU has a residential appearance;**

4. That a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with Wisehart Road, so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);
6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
7. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
10. That the principal dwelling on the property be owner-occupied or utilized as a long-term rental;
11. That at least one (1) off-street parking space be provided for the ADU;
12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
13. 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,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, 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. VACATION OF PLAT / COVPL 24-0006: Reinerheim, LLC; Maurice Reiner. To vacate four existing easements along former lot lines on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot AR, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate four existing easements along former lot lines on the subject property.

Staff recommended approval of Vacation of Plat / COVPL 24-0006 with the following one (1) condition:

1. That all necessary resolutions be recorded by the applicant at the Register of Deeds Office.

Discussion followed.

Moved by Lewis and seconded by Kuehn to approve of Vacation of Plat / COVPL 24-0006 with the following one (1) condition:

1. **That all necessary resolutions be recorded by the applicant at the Register of Deeds Office.**

All voting aye, the Motion carried 7 to 0.

Moved by Lewis and seconded by LaCroix to wave rules to discuss similar Agenda Items #15, #16, and #17 at the same time and to vote on each item separately. All voting aye, the Motion carried 7 to 0.

15. PRELIMINARY PLAN / COPPL 24-0010: Reynolds & Livingston, LLC; Chris Livingston; All Aspects - Agent. To subdivide and create Lot 1A and Lot 1B of Boyle Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: That Pt of Lot 1 Located in Pennington County, Boyle Subdivision, Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1A and Lot 1B, Boyle Subdivision, Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed that the applicant has applied for a Preliminary Plan to subdivide and create Lot 1A and Lot 1B of Boyle Subdivision.

Staff recommended approval of Preliminary Plan / COPPL 24-0010 with the following thirteen (13) conditions:

1. That at the time of submittal of the Final Plan, the Plan be prepared by a South Dakota Registered Professional Land Surveyor;
2. That at the time of submittal of the Preliminary Plan, the Certifications on the Plan be in accordance with §§ 1702 and 1703 of the Pennington County Subdivision Regulations;
3. That within 30 days of the effective date of the residential zoning district, a Conditional Use Permit application is heard by the Planning Commission for the accessory dwelling unit located on proposed Lot 1A;

4. That prior to the filing of the mylar with the Register of Deeds, access to proposed Lot 1A is provided by a minimum 40-foot-wide easement or right-of-way and shown on the plat or obtains a Subdivision Regulations Variance waiving this requirement;
5. That prior to the filing of the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
6. That prior to filing the mylar with the Register of Deeds, Operating Permits (Licenses) are obtained for all the onsite wastewater treatment systems serving structures located on proposed Lots 1A and 1B;
7. That prior to filing the mylar with the Register of Deeds, proposed Lot 1A is rezoned to a residential district;
8. That prior to filing the mylar at Register of Deeds, the applicant obtains an approved Comprehensive Plan Amendment;
9. That prior to filing the mylar with the Register of Deeds, that a Variance is obtained for the setback to the Section Line Right-of- Way for the structure with the accessory dwelling unit;
10. That prior to filing the mylar with the Register of Deeds, that a Variance is obtained for the setback to the Section Line Right-of- Way for the shop building;
11. That prior to filing the mylar with the Register of Deeds, that the shop building has an encroachment agreement filed with the Register of Deeds for the portion of the structure within the Section Line Right-of- Way;
12. That prior to filing the mylar with the Register of Deeds, that Conditional Use Permit / CU 10-23 is ended as the use has been inactive for more than one year; and,
13. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Santana and seconded by Lewis to approve of Preliminary Plan / COPPL 24-0010 with the following thirteen (13) conditions:

- 1. That at the time of submittal of the Final Plan, the Plan be prepared by a South Dakota Registered Professional Land Surveyor;**
- 2. That at the time of submittal of the Preliminary Plan, the Certifications on the Plan be in accordance with §§ 1702 and 1703 of the Pennington County Subdivision Regulations;**

3. That within 30 days of the effective date of the residential zoning district, a Conditional Use Permit application is heard by the Planning Commission for the accessory dwelling unit located on proposed Lot 1A;
4. That prior to the filing of the mylar with the Register of Deeds, access to proposed Lot 1A is provided by a minimum 40-foot-wide easement or right-of-way and shown on the plat or obtains a Subdivision Regulations Variance waiving this requirement;
5. That prior to the filing of the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
6. That prior to filing the mylar with the Register of Deeds, Operating Permits (Licenses) are obtained for all the onsite wastewater treatment systems serving structures located on proposed Lots 1A and 1B;
7. That prior to filing the mylar with the Register of Deeds, proposed Lot 1A is rezoned to a residential district;
8. That prior to filing the mylar at Register of Deeds, the applicant obtains an approved Comprehensive Plan Amendment;
9. That prior to filing the mylar with the Register of Deeds, that a Variance is obtained for the setback to the Section Line Right-of- Way for the structure with the accessory dwelling unit;
10. That prior to filing the mylar with the Register of Deeds, that a Variance is obtained for the setback to the Section Line Right-of- Way for the shop building;
11. That prior to filing the mylar with the Register of Deeds, that the shop building has an encroachment agreement filed with the Register of Deeds for the portion of the structure within the Section Line Right-of- Way;
12. That prior to filing the mylar with the Register of Deeds, that Conditional Use Permit / CU 10-23 is ended as the use has been inactive for more than one year; and,
13. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 7 to 0.

16. COMPREHENSIVE PLAN AMENDMENT / COCA 24-0008: Reynolds & Livingston, LLC; Chris Livingston; All Aspects - Agent. To amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District and Rural Residential District to Highway Service District in accordance with the Pennington County Zoning Ordinance.

COMMENCING AT THE NORTHERN MOST CORNER OF SAID LOT 1, SAID CORNER BEING A FOUND PIN AND CAP STAMPED LS2652 SET IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HWY 385 AND BEING THE TRUE POINT OF BEGINNING OF THEREIN DESCRIBED LOT; THENCE DEPARTING SAID RIGHT-OF-WAY LINE THENCE S45°10'55"W A DISTANCE OF 223.66' TO A FOUND REBAR; THENCE S74°04'37"E A DISTANCE OF 64.79' TO A SET PIN AND CAP STAMPED LS11918; THENCE S21°58'53"E A DISTANCE OF 190.29' TO A SET PIN AND CAP STAMPED LS11918; THENCE N89°55'08"E A DISTANCE OF 95.15' TO A FOUND PIN AND CAP; THENCE N00°08'34"E A DISTANCE OF 282.15' TO A FOUND PIN AND CAP STAMPED LS7719; THENCE N45°20'03"W A DISTANCE OF 99.75' TO A THE POINT OF BEGINNING; THE HEREIN DESCRIBED TRACT CONTAINING 1.10 ACRES MORE OR LESS; Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Suburban Residential District and Rural Residential District to Highway Service District.

Staff recommended approval of Comprehensive Plan Amendment / COCA 24-0008.

Discussion followed.

Moved by Johnson and seconded by Santana to approve of Comprehensive Plan Amendment / COCA 24-0008.

All voting aye, the Motion carried 7 to 0.

17. REZONE / CORZ 24-0007: Reynolds & Livingston, LLC; Chris Livingston; All Aspects - Agent. To rezone from Highway Service District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, SAID CORNER BEING A FOUND STONE, THENCE FOLLOWING THE SOUTHERN LINE OF SAID SECTION 7 S89°48'19"E A DISTANCE OF 462.35' TO A FOUND PIN AND CAP STAMPED LS2652, SAID PIN AND CAP BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING ALONG SAID SOUTHERN SECTION LINE S89°46'52"E A DISTANCE OF 641.67' TO A FOUND PIN AND CAP STAMPED LS2652; THENCE N89°55'08"E A DISTANCE OF 112.24' TO A SET PIN AND CAP STAMPED LS11918; THENCE DEPARTING SAID SOUTHERN SECTION LINE N21°58'53"W A DISTANCE OF 190.29' TO A SET PIN AND CAP STAMPED LS11918; THENCE N74°04'37"W A DISTANCE OF 64.79' TO A FOUND REBAR; THENCE N89°59'21"W A DISTANCE OF 191.81' TO A FOUND PIN AND CAP STAMPED LS2652; THENCE S89°53'53"W A DISTANCE OF 50.02' TO A FOUND ONE INCH PIPE; THENCE N89°47'40"W A DISTANCE OF 378.14' TO A FOUND REBAR; THENCE S00°03'21"W A DISTANCE OF 193.77' TO THE POINT OF BEGINNING; THE HEREIN DESCRIBED TRACT CONTAINING 3.17 ACRES MORE OR LESS; Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone from Highway Service District to Rural Residential District.

Staff recommended approval of Rezone / CORZ 24-0007.

Discussion followed.

Moved by Johnson and seconded by Litzen to approve of Rezone / CORZ 24-0007.

All voting aye, the Motion carried 7 to 0.

18. CONDITIONAL USE PERMIT / COCU 24-0022: Yarotek, LLC; Mark Tippet – Agent. To allow a utility-scale solar energy system in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SE1/4 of Section 12, T1S, R11E; E1/2SW1/4, Lot 3-4; SE1/4 of Section 7; T1S, R12E; and GL 1-4; E1/2W1/2; E1/2 of Section 18, T1S, R12E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2024, Planning Commission meeting.)

Molitor stated the applicant has requested this item be continued to the September 9, 2024, Planning Commission meeting, as they will be holding a community meeting in New Underwood regarding the requested use.

Discussion followed.

Moved by Johnson and seconded by Santana to continue Conditional Use Permit / COCU 24-0022 to the September 9, 2024, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

19. CONDITIONAL USE PERMIT / COCU 24-0023: Yarotek, LLC; Mark Tippet – Agent. To allow a utility-scale wind energy system in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SE1/4 of Section 12, T1S, R11E; E1/2SW1/4, Lot 3-4; SE1/4 of Section 7; T1S, R12E; and GL 1-4; E1/2W1/2; E1/2 of Section 18, T1S, R12E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2024, Planning Commission meeting.)

Molitor stated the applicant has requested this item be continued to the September 9, 2024, Planning Commission meeting, as they will be holding a community meeting in New Underwood regarding the requested use.

Discussion followed.

Moved by Johnson and seconded by Litzen to continue Conditional Use Permit / COCU 24-0023 to the September 9, 2024, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

20. EXECUTIVE SESSION.

Executive Session was not needed.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 12, 2024, Planning Commission meeting,

22. ITEMS FROM THE PUBLIC

No motions or actions were taken.

23. ITEMS FROM THE STAFF

Molitor stated Yarotek will be hosting a meeting in New Underwood at 6 p.m. at the Community Center.

24. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

25. ADJOURNMENT

Moved by Litzen and seconded by Santana to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:36 a.m.

Karen McGregor, Chairperson