

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 10, 2023 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 25, 2023 MINUTES

Moved by Burton and seconded by Lewis to approve the Minutes of the September 25, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by McGregor and seconded by Burton to approve the Agenda of the October 10, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Burton and seconded by McGregor to approve the Consent Agenda of the October 10, 2023, Planning Commission meeting with the removal of Items #10 and #11. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 98-27:** Richard and Christine Vanness. To review a seasonal cabin in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot M of SW1/4SW1/4; Lot M of SE1/4SE1/4, Sections 14 and 15, T1N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 98-27 with the applicant's concurrence, as it is no longer needed.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 09-34:** Lance and Daina Verhulst. To review a Fifth Wheel Camper to be parked on a vacant lot and utilized during the summer months in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract 4, Bear Mountain Ranch Subdivision, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 09-34 with the following five (5) conditions:

1. **That Building Permits be obtained for any structure exceeding 144 square feet or which includes the necessary site plans to be reviewed and approved by the Planning Director;**
2. **That no additional living quarters be allowed to exist on the property;**
3. **That the site has an improved site area for the recreational vehicle. If the recreational vehicle is not equipped with a bathroom/shower facility, said facility must be provided on the premises and connected to the wastewater disposal system;**
4. **That the recreational vehicle shall not be used as living quarters on the premises for more than 180 days per calendar year; and,**
5. **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 ensure all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-23:** Gretchen Strombeck. To review a caretaker's residence on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Strombeck Subdivision, Section 34, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 15-23 with the following six (6) conditions:

1. **That the addresses for the single-family residence and the caregiver's residence both continue to be posted so they are visible from Horse Creek Road, in accordance with Pennington County's Ordinance #20;**
2. **That the caregivers' residence be removed from the property once care is no longer needed for Clay Strombeck;**
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 be located outside of the 100-year floodplain boundary or an approved Floodplain Development Permit is obtained prior to Building Permit approval;
5. That all future structures meet the minimum required setbacks for a Rural Residential District or an approved Setback Variance be obtained prior to Building Permit approval; and,
6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-49:** Mystic Road Cabin, LLC. To review two existing structures prior to a principal structure on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Redfern Valley Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 17-49 with the following six (6) conditions:

1. That all lot addresses continue to be posted so they are clearly visible from Mystic Road in accordance with Pennington County Ordinance #20;
2. 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;
3. That the minimum setback requirements of a Rural Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;
4. That the subject property continually remains free of debris and junk vehicles;
5. That the accessory structures continue to be used for personal use only and no commercial-type uses and not for living space; and,
6. 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.

7. **CONDITIONAL USE PERMIT REVIEW / CU 21-19:** Boyd and Sabrina Knudsen. To review living in a Recreational Vehicle, temporarily, while building a cabin on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Block 1, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the September 25, 2023, Planning Commission meeting.)

To approve the review of Conditional Use Permit / CU 21-19 with the following eleven (11) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property;**
2. **That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
3. **That an approved Building Permit be obtained for the cabin prior to construction;**
4. **That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;**
5. **That the RV no longer be used as a residence once the cabin is finished and habitable, following which it only be allowed to be parked on the property;**
6. **That the cabin and/or the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicants for their personal use;**
7. **That the applicants adhere to the U.S. Forest Service's requirements at all times;**
8. **That the minimum setback requirements of a Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;**
9. **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;**
10. **That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,**

11. That this Conditional Use Permit be reviewed in one 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.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 21-20:** Boyd and Sabrina Knudsen. To review a bath house as a primary structure in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Block 1, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the September 25, 2023, Planning Commission meeting.)

To approve the review of Conditional Use Permit / CU 21-20 with the following seven (7) conditions:

1. That an approved Building Permit be obtained for the if the current bath house is permanently anchored to the ground or exceeds 144 square feet, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the bath house be used for personal use only, as a bath house, no commercial-type use and/or living space is allowed;
3. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
4. That the applicants adhere to the U.S. Forest Service's requirements at all times;
5. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
6. 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; and,
7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary 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.

9. **CONDITIONAL USE PERMIT REVIEW / CU 21-40**: Rob Livingston/No Bad Days Campground. To review the rental of kayaks, paddle boards, and UTVs on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot 1, No Bad Days Subdivision, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 21-40 with the following seventeen (17) conditions:

1. That the permitted use includes the rental of paddleboards and kayaks, 8 Utility Vehicles (UTVs);
2. That all assigned addresses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
3. That access to the site be only from the approved South Dakota Department of Transportation (SDDOT) approved approach and any additional approaches off of Highway 44 West be approved by SDDOT;
4. That at least 4 off-street parking spaces be provided for customers and 1 additional parking space be provided for employees, per Pennington County Zoning Ordinance (PCZO) § 310;
5. That any On-site Wastewater Treatment System comply with PCZO and SD Department of Agriculture and Natural Resources requirements (SD DANR);
6. That the days of operation for the rentals be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 9 a.m. and 5 p.m. only;
7. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
8. That the UTVs be thoroughly cleaned after use, to prevent the spread of invasive weeds;
9. That a designated equipment wash area be designated and utilized to ensure no runoff is allowed to enter any waters of the state;
10. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the UTV rentals so it is accessible at all times;
11. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;

12. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
13. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a sales tax license from the South Dakota Department of Revenue;
14. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area occur without an approved Floodplain Development Permit;
15. 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;
16. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
17. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

10. CONDITIONAL USE PERMIT REVIEW / CU 21-41: Rob Livingston/No Bad Days Campground. To review an illuminated, on-premise sign to be located within 1,500 feet of a residential district /dwelling unit in a Highway Service District in accordance with the Pennington County Zoning Ordinance

Lot 1, No Bad Days Subdivision, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested this Item be removed from the Consent Agenda for discussion.

Staff recommended approval of the review of Conditional Use Permit / CU 21-41 with the following nine (9) conditions:

1. That this Conditional Use Permit (CUP) only allows for 1 internally illuminated on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;

2. That the sign 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;
3. That only on-premise advertising be allowed on the proposed sign and no off-premise advertising is allowed unless an approved Variance is obtained and this CUP is amended to allow for an off-premise sign;
4. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
5. That an approved Floodplain Development Permit is obtained *prior* to any disturbance within the Special Flood Hazard Area (SFHA) located on the subject property;
6. That an approved Sign Permit be obtained *prior* to the construction of the sign;
7. That the sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance;
8. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
9. That this Conditional Use Permit be reviewed 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 Lewis and seconded by Burton to approve the review of Conditional Use Permit / CU 21-41 with the following nine (9) conditions:

- 1. That this Conditional Use Permit (CUP) only allows for 1 internally illuminated on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;**
- 2. That the sign 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;**
- 3. That only on-premise advertising be allowed on the proposed sign and no off-premise advertising is allowed unless an approved Variance is obtained and this CUP is amended to allow for an off-premise sign;**

4. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
5. That an approved Floodplain Development Permit is obtained *prior* to any disturbance within the Special Flood Hazard Area (SFHA) located on the subject property;
6. That an approved Sign Permit be obtained *prior* to the construction of the sign;
7. That the sign continually conforms to all regulations in § 312 of the Pennington County Zoning Ordinance;
8. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
9. That this Conditional Use Permit be reviewed 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 7 to 0.

11. 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.

Commissioner McGregor requested this Item be removed from the Consent Agenda for discussion.

Staff recommended approval of the review of Mining Permit / MP 16-01 with the following nineteen (19) 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 submits 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 signs a statement of Understanding within ten (10) business days of Permit approval;
18. That this Permit be brought before a revocation hearing if staff receives any substantiated complaint regarding dust; and,

19. 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.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve the review 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 submits 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 no ponding of water that could cause an attractant to flocking birds, ducks or geese;
14. 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;
15. That the site shall be re-vegetated as required in Section 507-A(5)(c);
16. That the applicant signs a statement of Understanding within ten (10) business days of Permit approval;
17. That this Permit be brought before a revocation hearing if staff receives any substantiated complaint regarding dust; 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.

All voting aye, the Motion carried 7 to 0.

Moved by Burton and seconded by Lewis to wave rules to discuss similar Agenda Items #12 and #13 at the same time. All voting aye, the Motion carried 7 to 0.

12. COMPREHENSIVE PLAN AMENDMENT / CA 23-09: James Schamber. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 6A, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, 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 Agriculture District to Suburban Residential District.

Staff recommended denial of Comprehensive Plan Amendment / CA 23-09, as roads and infrastructure do not support further Suburban Residential development.

Discussion followed.

Moved by Burton and seconded by Coleman to deny Comprehensive Plan Amendment / CA 23-09. Roll Call Vote: Commissioners McGregor, Coleman, and Burton voted yes. Commissioners Johnson, Lewis, Lacroix, and Kuehn voted no. Motion to deny failed 4 to 3.

Discussion continued.

Moved by Kuehn and seconded by Johnson to approve Comprehensive Plan Amendment / CA 23-09. Roll Call Vote: Commissioners Johnson, Lewis, Lacroix, and Kuehn voted yes. Commissioners McGregor, Coleman, and Burton voted no. Motion to approve carried 4 to 3.

13. REZONE / RZ 23-13: James Schamber. To rezone from Agriculture District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 6A, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended denial of Rezone / RZ 23-13, as roads and infrastructure do not support further Suburban Residential development.

Discussion followed.

Moved by Kuehn and seconded by Lewis to approve Rezone / RZ 23-13. Roll Call Vote: Commissioners Johnson, Lewis, Lacroix and Kuehn voted yes. Commissioners McGregor, Coleman and Burton voted no. Motion to approve carried 4 to 3.

14. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in a Commercial District in accordance with the Pennington County Zoning Ordinance.

Lot 17 Less Outlot 1 and Right-of-Way (also in Section 3) and Outlot 1 of Lot 17 and 30 feet Right-of-Way, all located in Saxon Placer MS 1250, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the September 11, 2023, Planning Commission meeting.)

Theunissen stated this item was continued from the September 11, 2023, Planning Commission meeting to allow the applicant time to address concerns of Staff.

Staff recommended to continue Planned Unit Development Overlay / PU 23-06 indefinitely, until the applicant obtains South Dakota Department of Agriculture and Natural Resource's approval of the On-Site Wastewater Treatment Systems on the subject property.

Discussion followed.

Moved by Burton and seconded by McGregor to continue Planned Unit Development Overlay / PU 23-06 indefinitely, until the applicant obtains South Dakota Department of Agriculture and Natural Resource's approval of the On-Site Wastewater Treatment Systems on the subject property.

All voting aye, the Motion carried 7 to 0.

15. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 23-11: Brian and Tamara Horst. A special consideration to PUD 79-02 to reduce the setback from 25 feet to 8 feet on the west (rear) and southwest (rear) lot line(s) for a house addition and to bring an existing accessory structure (a shed) into compliance in the Trailwood Village Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Lot 10, Block 21, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the September 25, 2023, Planning Commission meeting.)

Phillip stated this item was continued from the September 25, 2023, Planning Commission meeting in order for the applicant to provide signatures of neighboring property owners that are not opposed to the request.

Phillip reviewed the Staff Report indicating the applicant has applied for a Special Consideration to Trailwood Village Planned Unit Development to reduce the setback for a house addition and to bring an existing accessory structure into compliance.

Staff recommended to deny Special Consideration to Trailwood Village Planned Unit Development / PU 23-11, as no special conditions exist on the property that would excuse literal enforcement of the Pennington County Zoning Ordinance.

If the Planning Commission disagrees and approves the request, staff recommended the following six (6) conditions be included:

1. That the applicant must provide an engineered, stamped survey for the site plan with setbacks marked before a Building Permit application will be accepted by the Pennington County Planning Department.
2. That the setback(s) only apply to the west (rear) and southwest (rear) lot line(s) for a house addition and to bring an existing accessory structure (a shed) into compliance;
3. That the rear yard setback(s) be reduced from 25 feet to 8 feet and only apply to the proposed house addition and to the existing shed on Lot 10, Block 21 of Trailwood Village Subdivision;

4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
5. That the address on the applicant's home be properly posted so it is visible from Preston Place in accordance with Pennington County's Ordinance #20; and,
6. That this Special Consideration 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.

Discussion followed.

Moved by McGregor and seconded by Burton to deny Special Consideration to Trailwood Village Planned Unit Development / PU 23-11.

Discussion followed.

Moved by McGregor and seconded by Burton to withdraw the motion to deny Special Consideration to Trailwood Village Planned Unit Development / 23-11.

Discussion continued.

Moved by Burton and seconded by Lewis to continue Special Consideration to Trailwood Village Planned Unit Development / PU 23-11 to the October 23, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT / CU 23-33: Wolfpack Holdings, LLC / Dennis Casey; Towey Design Group - Agent. To allow a multiple-family modular home on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Unplatted PT of SE1/4SE1/4 N. of Hwy Less Lot H2, Section 19, T1N, R9E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a multiple-family modular home on the subject property.

Commissioner Burton left the meeting at 10:03 a.m.

Commissioner Burton returned to the meeting at 10:06 a.m.

Staff recommended approval of Conditional Use Permit / CU 23-33 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any further work being done on the duplex;

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 the requirement of PCZO § 303;
4. That the minimum setback requirements of Rural Residential 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 driveway where it intersects Airport Road, in accordance with Pennington County Ordinance #20;
6. That the applicant obtain an Approach Permit prior to applying for a Building Permit.
7. 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;
8. That at the time of submittal of the Building Permit, the applicant complete the Federal Aviation Administration Part 77 form;
9. 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.

Discussion followed.

Moved by Burton and seconded by Lewis to continue Conditional Use Permit / CU 23-33 to the October 23, 2023, Planning Commission meeting to address Planning Commission concerns.

All voting aye, the Motion carried 7 to 0.

17. CONDITIONAL USE PERMIT / CU 23-32: Saint Patrick, LLC; Doyle Estes - Agent. To allow a manager/caretaker's residence on the subject property in a Commercial District in accordance with the Pennington County Zoning Ordinance.

Lot B of NW1/4NE1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the September 25, 2023, Planning Commission meeting.)

Sack stated this item was continued from the September 25, 2023, Planning Commission meeting in order to address Staff concerns.

Sack reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit to allow a manager/caretaker's residence on the subject property.

Staff recommended to continue Conditional Use Permit / CU 23-32 to the November 13, 2023, Planning Commission meeting to allow Staff and the applicant time to address the RVs.

Discussion followed.

Moved by Burton and seconded by McGregor to continue Conditional Use Permit / CU 23-32 to the November 13, 2023, Planning Commission to allow Staff and the applicant time to address the RVs.

All voting aye, the Motion carried 7 to 0.

18. VACATION OF PLAT / VP 23-04: Pennington County Highway Department. To vacate a portion of the platted public right-of-way of Knox Street located in the SE1/4 of NE1/4, Section 10, T1N, R8E, in accordance with the Pennington County Zoning Ordinance.

That Portion of Former Lot D Lying South of Lots A and B of Lot 35 and Lot 50 East of Lot 34 and West of Lot 51, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate a portion of the platted public right-of-way of Knox Street located in the SE1/4 of NE1/4, Section 10, T1N, R8E.

Staff recommended to approve Vacation of Plat / VP 23-04 with the following one (1) condition:

1. That all necessary resolutions for the Vacation of Plat / VP 23-04 be recorded by the applicant at the Register of Deeds' Office.

Discussion followed.

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

Moved by McGregor and seconded by Kuehn to approve Vacation of Plat / VP 23-04 with the following one (1) condition:

1. **That all necessary resolutions for the Vacation of Plat / VP 23-04 be recorded by the applicant at the Register of Deeds' Office.**

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

19. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-06: Rockerville Gold Town, LLC, Pat Hall. To review an amendment to an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the September 25, 2023, Planning Commission meeting.)

Sack stated this item was continued from the September 25, 2023, Planning Commission meeting in order to address Staff concerns.

Staff recommended to continue Major Planned Unit Development Amendment Review / PU 19-06 to the November 13, 2023, Planning Commission meeting.

Discussion followed.

Moved by McGregor and seconded by Burton to continue Major Planned Unit Development Amendment Review / PU 19-06 to the November 13, 2023, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 25, 2023, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

No items or actions were taken at this time.

22. ITEMS FROM THE STAFF

A. Building Permit Report. Sack reviewed the September 2023 Building Permit Report.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Lacroix expressed his appreciation of the Planning Commission.

24. ADJOURNMENT

Moved by Burton and seconded by McGregor to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:31 a.m.

Charlie Johnson, Chairperson