

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 25, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen McGregor, Charlie Johnson, Jim Coleman, Sande Runde, Mikal Lewis, and Travis Lasseter.

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

ROLL CALL

1. APPROVAL OF THE OCTOBER 11, 2021, MINUTES
Moved by Johnson and seconded by Runde to approve the Minutes of the October 11, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Coleman to approve the Agenda of the October 25, 2021, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Runde and seconded by Lasseter to approve the Consent Agenda of the October 25, 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 20-15:** Greg Helgeson. To review a single-wide mobile home to be used as a single-family residence on the subject property in an Agriculture District in accordance with Sections 206 and 506 of the Pennington County Zoning Ordinance.

W1/2NE1/4NE1/4 (aka W1/2 GL 1), Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the September 27, 2021, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 20-15 to the November 22, 2021, Planning Commission meeting.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 21-27:** Gene Rossman. To review living in a Recreational Vehicle while building a residence and working on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-27 with the following ten (10) 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 the address, 22890 Pine Meadows Court, continue to be clearly posted on the RV while it is being utilized as living quarters and at the end of the approach clearly visible from both directions of travel along Pine Meadows Court, in accordance with Pennington County's Ordinance #20;**
3. **That the applicant adheres to the U.S. Forest Service's requirements at all times;**
4. **That the minimum setback requirements of a Rural Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;**
5. **That the minimum 58-foot Section Line setback be maintained on the property;**
6. **That the RV no longer be used as a residence once the single-family residence is finished and habitable, following which it only be allowed to be disconnected from utilities and only be allowed to be stored on the property;**
7. **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;**
8. **That the property remains free of debris and junk vehicles;**
9. **That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,**
10. **That this Conditional Use Permit be reviewed in one (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.**

Vote: unanimous 6 to 0.

5. **MINOR PLAT / MPL 21-65**: Dana Kjerstad. To combine two lots to create Tract 35 Revised of Rushmore Ranch Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 34 Revised (also in Section 8) and Tract 35 of Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 35 Revised of Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of Minor Plat / MPL 21-65 with the following five (5) conditions:

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

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

6. **TAX INCREMENT FINANCE DISTRICT #6**: A Tax Increment Finance District (TIF) has been submitted by Pink Cabin, LLC for the purpose of developing infrastructure improvements along Anderson Road between E. Highway 44 and Long View Road to support the Apple Valley Affordable Housing Development.

SW1/4NW1/4; NW1/4SW1/4; and NW1/4NW1/4 (including Lot A) Less ROW all located in Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Tax Increment Finance District No. 6 for to develop infrastructure improvements along Anderson Road between E. Highway 44 and Long View Road to support the Apple Valley Affordable Housing Development.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Tax Increment Finance District No. 6.

Discussion further followed.

Vote on Motion to approve: Runde, Lasseter, and Lewis voted Yes. Commissioners Coleman, Johnson, and McGregor voted No. Motion to approve failed.

SUBSTITUTE MOTION: Moved by Johnson and second by Lewis to approve of Tax Increment Finance District No. 6 with the following one (1) condition:

- 1. That the applicant renegotiate the interest rate and provide the updated information to the Planning Commission and Board of Commissioners, prior to the item being heard by the Board of Commissioners.**

All voting aye, the Motion carried 6 to 0.

7. CONDITIONAL USE PERMIT / CU 21-60: Jeff Slather. To allow a Home Occupation, a consulting and catering service, in an existing structure on the subject property, in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4SE1/4, Section 34, T2N, R8E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Home Occupation, a consulting and catering service, in an existing structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-60 with the following with the following sixteen (16) conditions:

1. That the Home Occupation shall be operated completely within the existing accessory structure, a garage/shop;
2. That the home occupation appears secondary to the primary, residential use of the property;
3. That no business sign be posted on the property;
4. That the home occupation only be conducted by the applicant;
5. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;

6. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;
7. That no on-premise retail sales be allowed;
8. That the home occupation, including all associated storage, be conducted entirely indoors;
9. That the applicant maintains current licenses with the South Dakota Department of Health and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
10. That an address be assigned for the structure of the Home Occupation and be properly posted on the structure and at the approach so it is visible in both directions from N Reservoir Road in accordance with Pennington County's Ordinance #20;
11. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
12. That prior to the operation, the applicant works with the Rapid Valley Sanitary District to install a master water meter pit on the subject property;
13. That the applicant obtains an Approach Permit from the County Highway Department for an existing approach;
14. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
15. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in one (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.

Supboon further stated Staff is recommending to remove Condition #12, as this has been met.

Discussion followed on the hours of operation.

Commissioner Johnson recommended adding a condition to state: "That the applicant may request the Planning Department adjust the hours of operation and approval is at the discretion of the Planning Director."

Moved by Johnson and seconded by Lewis to approve of Conditional Use Permit / CU 21-60 with the following sixteen (16) conditions:

- 1. That the Home Occupation shall be operated completely within the existing accessory structure, a garage/shop;**
- 2. That the home occupation appears secondary to the primary, residential use of the property;**
- 3. That no business sign be posted on the property;**
- 4. That the home occupation only be conducted by the applicant;**
- 5. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;**
- 6 That the applicant may request the Planning Department adjust the hours of operation and approval is at the discretion of the Planning Director;**
- 7. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;**
- 8. That no on-premise retail sales be allowed;**
- 9. That the home occupation, including all associated storage, be conducted entirely indoors;**
- 10. That the applicant maintains current licenses with the South Dakota Department of Health and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 11. That an address be assigned for the structure of the Home Occupation and be properly posted on the structure and at the approach so it is visible in both directions from N Reservoir Road in accordance with Pennington County's Ordinance #20;**
- 12. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;**
- 13. That the applicant obtains an Approach Permit from the County Highway Department for an existing approach;**
- 14. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;**

15. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director; and,**
16. **That this Conditional Use Permit be reviewed in one (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 Motin carried 6 to 0.

8. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-14: Renee Voss. To live in a Recreational Vehicle while building a single-family residence on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 14 (also in Section 3), Wheel Inn No. 4 Subdivision, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to live in a Recreational Vehicle while building a single-family residence on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PUD 21-14 with the following thirteen (13) conditions:

- 1 That each lot be a minimum of three acres with the exception of the northern most lot, which the applicant has indicated will be combined with an existing lot with a single-family residence already on the lot;
- 2 That each proposed lot have areas for a single-family residence and two drainfields that are located outside of the 100-year floodplain;
- 3 That the required setbacks for all structures be a minimum of 25 feet;
- 4 That the permitted uses be residential, which includes, one single-family residence and accessory residential structures;
- 5 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;
- 6 That living in a Recreational Vehicle while building a single-family residence be allowed on Lot 14;
7. That no more than one Recreational Vehicle is allowed to be utilized as temporary living quarters on the subject property;

8. That the wastewater from the recreational vehicle be properly disposed of at all times by utilizing the on-site wastewater treatment system on the property. Once the new residence is being inhabited by the applicant, the recreational vehicle must be disconnected from the on-site wastewater treatment system;
9. That the address be clearly posted on the RV and on the subject property so it is visible Heald Trail, in accordance with Pennington County's Ordinance 20;
10. That the recreational vehicle no longer be used as a residence once the single-family residence is finished and habitable, following which it only be allowed to be stored on the property;
11. That the applicant notifies the Planning Department when the new residence is habitable so that this Minor PUD Amendment may be ended;
12. That the property remains free of debris and junk vehicles; and,
13. That this Minor Planned Unit Development Amendment be reviewed in one (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 Lasseter to approve of Minor Planned Unit Development Amendment / PUD 21-14 with the following thirteen (13) conditions:

- 1 That each lot be a minimum of three acres with the exception of the northern most lot, which the applicant has indicated will be combined with an existing lot with a single-family residence already on the lot;**
- 2 That each proposed lot have areas for a single-family residence and two drainfields that are located outside of the 100-year floodplain;**
- 3 That the required setbacks for all structures be a minimum of 25 feet;**
- 4 That the permitted uses be residential, which includes, one single-family residence and accessory residential structures;**
- 5 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;**
- 6 That living in a Recreational Vehicle while building a single-family residence be allowed on Lot 14;**
- 7. That no more than one Recreational Vehicle is allowed to be utilized as temporary living quarters on the subject property;**

8. That the wastewater from the recreational vehicle be properly disposed of at all times by utilizing the on-site wastewater treatment system on the property. Once the new residence is being inhabited by the applicant, the recreational vehicle must be disconnected from the on-site wastewater treatment system;
9. That the address be clearly posted on the RV and on the subject property so it is visible Heald Trail, in accordance with Pennington County's Ordinance 20;
10. That the recreational vehicle no longer be used as a residence once the single-family residence is finished and habitable, following which it only be allowed to be stored on the property;
11. That the applicant notifies the Planning Department when the new residence is habitable so that this Minor PUD Amendment may be ended;
12. That the property remains free of debris and junk vehicles; and,
13. That this Minor Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

9. REZONE / RZ 21-28: Caputa Acres, LLC; D.C. Scott Surveying - Agent. To rezone 5.46 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206 and 508 of the Pennington County Zoning Ordinance.

Being 5.46 acres of land situated in Government Lot 3 of Section 6, Township 1 South, Range 10 East of the Black Hills Meridian, Pennington County, South Dakota, said 5.46 acres of land being more particularly described by metes and bounds as follows: COMMENCING, for location purposes only, at the Northwest corner of said Section 6, in the center of Dawkins Road, a public Section line highway occupying the statutory 66-foot wide right-of-way of the Black Hills Base Line; Thence, North 89° 57' 00" East, along said Black Hills Base Line and center line of Dawkins Road and North line of Section 6, a distance of 1274.20 feet to the POINT OF BEGINNING of the herein described tract; Thence, North 89° 57' 00" East, continuing along said Black Hills Base Line and center line of Dawkins Road and North line of Section 6, a distance of 614.59 feet to a point for corner from which the Southeast corner of adjacent Section 36, Township 1 North, Range 9 East of the Black Hills Meridian bears North 89° 57' 00" East, a distance of 446.39 feet; Thence resuming from the aforementioned point for corner, South 13° 20' 00" East, a distance of 222.58 feet to a point for corner; Thence, South 24° 00' 00" East, distance of 314.01 feet to a point for corner; Thence, South 66° 00' 00" West, distance of 224.08 feet to a point for corner; Thence, North 32° 45' 00" West, distance of 261.28 feet to a point for corner; Thence, North 80° 00' 00" West, distance of 76.75 feet to a point for corner; Thence, North 64° 20' 00" West, distance of 167.01 feet to a point for corner; Thence, North 37° 30' 00" West, a distance of 363.81

feet to the POINT OF BEGINNING and containing 5.46 acres, more or less, of land, including 0.46 acre within Section line right-of-way; Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 5.46 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 21-28.

Discussion followed.

Moved by Coleman and seconded by Johnson to approve of Rezone / RZ 21-28.

All voting aye, the Motion carried 6 to 0.

10. LAYOUT PLAN / LPL 21-67: Caputa Acres, LLC. To create Tracts 1 and 2 of Caputa Acres in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3, Tract 1 of Lot 4 Less RTY (2.17 AC), Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 and Tract 2 of Caputa Acres, Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

Sack reviewed indicating the applicant has applied for a Layout Plan to subdivide and create Tracts 1 and 2 of Caputa Acres.

Staff recommended approval of Layout Plan / LPL 21-67 with the following eleven (11) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded at Register of Deeds, the applicant obtains a Rezone or a Lot size Variance for the proposed lots;
4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an

approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

6. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
9. That prior to filing the mylar at Register of Deeds, the septic for the existing house be pumped and inspected and an approved Operating Permit be obtained;
10. 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,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Commissioner Lasseter left the meeting at 9:52 a.m.

Commissioner Lasseter returned to the meeting at 9:54 a.m.

Moved by Lewis and seconded Coleman to approve of Layout Plan / LPL 21-67 with the following eleven (11) conditions:

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 3. That prior to the Plat being recorded at Register of Deeds, the applicant obtains a Rezone or a Lot size Variance for the proposed lots;**
- 4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;**

5. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
9. That prior to filing the mylar at Register of Deeds, the septic for the existing house be pumped and inspected and an approved Operating Permit be obtained;
10. 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,
11. That approval of this Layout Plat 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.

Commissioner Runde returned to the meeting at 9:56 a.m.

Commissioner Runde returned to the meeting at 10:00 a.m.

11. PRELIMINARY PLAT / PPL 21-66: H & H Land Co. No. 2, LLC – Brian Hammerbeck - Agent. To create Tracts 2-11 of South Caputa Addition in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: 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; Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 2-11 of South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to subdivide and create Tracts 2-11 of South Caputa Addition.

Staff recommended approval of Preliminary Plat / PPL 21-66 with the following twenty-one (21) conditions:

1. That prior to the Final Plat Submittal, that a 50' access easement be dedicated,

2. That the proposed road name for the 50' access easement be approved prior to Final Plat submittal;
3. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That prior to Final Plat submittal, the applicant obtains an approved Building Permit for the 14' x 48' lean-to attached to the 40' x 60' pole structure on proposed Lot 6 and pay any associated penalty fees;
5. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That at the time of Final Plat submittal, shared access easements should be shown as platted access easements on the plat or approval of individual approaches by county highway;
7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for the proposed lots or obtain an approved Subdivision Regulations Variance to waive these requirements;
8. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lots 1-11 or obtain an approved Lot Size Variance for the proposed lots;
9. That prior to Final Plat submittal, a Fire Mitigation Plan is submitted and approved by the County Fire Coordinator;
10. That prior to the mylar being filed with the Register of Deeds, Approach Permits for all three existing approaches will need to be filed (Lots 4, 6 and 7) with the County Highway Department;
11. That prior to the mylar being filed with the Register of Deeds, a Variance is obtained from the Board of Commissioners for two approaches, both an existing approach and a shared access approach on proposed Lot 7.
12. That the applicant ensures all-natural drainage ways are maintained and not blocked;
13. That prior to Final Plat submittal, the applicant identifies the existing Onsite Wastewater Treatment System on proposed Lot 7 and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;

14. That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Building Permit for the 40' x 60' single-family residence and proposed lean-to on proposed Tract 6; and,
15. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property;
16. That prior to the mylar being filed with the Register of Deeds, Approach Permits for all three existing approaches will need to be filed (Lots 4, 6 and 7) with the County Highway Department;
17. That prior to the mylar being filed with the Register of Deeds, an approved Variance is obtained for the two approaches, both an existing approach and a shared access approach on proposed Lot 7.
18. That the applicant ensures all natural drainage ways are maintained and not blocked;
19. That prior to Final Plat submittal, the applicant identifies the existing Onsite Wastewater Treatment System on proposed Lot 7 and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;
20. That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Building Permit for the 40' x 60' single-family residence with proposed lean-to on proposed Lot 6;
21. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement; and,
22. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Sack further stated Staff is recommending to remove Conditions #16, #17, #18, #19, and #20, leaving Condition #21, as those conditions are being met by the applicant.

Discussion followed.

Moved Lasseter and seconded by Johnson to approve of Preliminary Plat / PPL 21-66 with the following sixteen (16) conditions:

- 1. That prior to the Final Plat Submittal, that a 50' access easement be dedicated,**
- 2. That the proposed road name for the 50' access easement be approved prior to Final Plat submittal;**
- 3. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**

4. That prior to Final Plat submittal, the applicant obtains an approved Building Permit for the 14' x 48' lean-to attached to the 40' x 60' pole structure on proposed Lot 6 and pay any associated penalty fees;
5. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That at the time of Final Plat submittal, shared access easements should be shown as platted access easements on the plat or approval of individual approaches by county highway;
7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for the proposed lots or obtain an approved Subdivision Regulations Variance to waive these requirements;
8. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lots 1-11 or obtain an approved Lot Size Variance for the proposed lots;
9. That prior to Final Plat submittal, a Fire Mitigation Plan is submitted and approved by the County Fire Coordinator;
10. That prior to the mylar being filed with the Register of Deeds, Approach Permits for all three existing approaches will need to be filed (Lots 4, 6 and 7) with the County Highway Department;
11. That prior to the mylar being filed with the Register of Deeds, a Variance is obtained from the Board of Commissioners for two approaches, both an existing approach and a shared access approach on proposed Lot 7.
12. That the applicant ensures all-natural drainage ways are maintained and not blocked;
13. That prior to Final Plat submittal, the applicant identifies the existing Onsite Wastewater Treatment System on proposed Lot 7 and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;
14. That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Building Permit for the 40' x 60' single-family residence and proposed lean-to on proposed Tract 6;
15. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement; and,

16. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property;

All voting aye, the Motion carried 6 to 0.

12. ORDINANCE AMENDMENT / OA 21-21: Pennington County. To add Ordinance No. 735 - Pennington County Building Code and Construction Ordinance.

(Continued from the October 11, 2021, Planning Commission meeting.)

Molitor reviewed the Ordinance Amendment to add new Ordinance No. 735 - Pennington County Building Code and Construction Ordinance.

Staff recommended approval of Ordinance Amendment / OA 21-21.

Moved by Johnson and seconded by Runde to approve of Ordinance Amendment / OA 21-21.

All voting aye, the Motion carried 6 to 0.

13. CONDITIONAL USE PERMIT / CU 21-61: R & J, LLC; Juston Eisenbraun - Agent. To allow a wedding venue and event center on the subject property in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a wedding venue and event center on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-61 with the following twenty-one (21) conditions:

1. That the permitted use allows a future structure to be utilized as an event center and wedding venue;
2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That all natural drainage paths be continually maintained;
4. That an address be assigned and posted on the venue so it is clearly visible, in accordance with Pennington County Ordinance #20;
5. That the interior driveways not be officially named by the County and no traditional street name signs be allowed within the development;

6. That building plans for the proposed structure be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
7. That access to the site be only from the approved South Dakota Department of Transportation (SDDOT) approach and if any future warrants are met, turning lanes be installed, per SDDOT comments;
8. That a minimum of 85 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) §310(A)(9)(z)(ff);
9. That the occupancy of the venue/event center be limited to 255 persons, based on the proposed 85 parking spaces;
10. That all onsite wastewater treatment systems require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
11. That the annual days of operation of the venue/event center be allowed 7 days each week from April 1st through December 31st;
12. That the hours of operation, for the above-mentioned venue/event center, shall be between 8:00 a.m. and 12:00 a.m. only and that quiet hours be from 12:00 a.m. to 8:00 a.m.;
13. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;
14. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
15. 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;
16. That prior to operation of the venue/event center, the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;
17. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License;

18. 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;
19. 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,
20. 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.

Commissioner Coleman left the meeting at 10:15 a.m.

Commissioner Coleman returned to the meeting at 10:21 a.m.

Discussion followed.

Moved by Lasseter and seconded by Coleman to approve of Conditional Use Permit / CU 21-61 with the following twenty-one (21) conditions:

- 1. That the permitted use allows a future structure to be utilized as an event center and wedding venue;**
- 2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;**
- 3. That all natural drainage paths be continually maintained;**
- 4. That an address be assigned and posted on the venue so it is clearly visible, in accordance with Pennington County Ordinance #20;**
- 5. That the interior driveways not be officially named by the County and no traditional street name signs be allowed within the development;**
- 6. That building plans for the proposed structure be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;**
- 7. That access to the site be only from the approved South Dakota Department of Transportation (SDDOT) approach and if any future warrants are met, turning lanes be installed, per SDDOT comments;**
- 8. That a minimum of 85 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) §310(A)(9)(z)(ff);**
- 9. That the occupancy of the venue/event center be limited to 255 persons;**

10. That all onsite wastewater treatment systems require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
11. That the annual days of operation of the venue/event center be allowed 7 days each week from April 1st through December 31st;
12. That the hours of operation, for the above-mentioned venue/event center, shall be between 8:00 a.m. and 12:00 a.m. only and that quiet hours be from 12:00 a.m. to 8:00 a.m.;
13. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;
14. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
15. 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;
16. That prior to operation of the venue/event center, the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;
17. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License;
18. 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;
19. 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,
20. 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.

All voting, the Motion passed 4 to 2. Commissioners Johnson, Coleman, McGregor, and Lasseter voted yes. Commissioners Runde and Lewis voted no.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their October 11th meeting.

MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 16-03: Dan and Nancy Evangelisto was approved.

15. ITEMS FROM THE PUBLIC

Mr. Lon Buehner appeared and spoke of water rights.

16. ITEMS FROM THE STAFF

A. Building Inspector. Molitor stated the Building Inspector position in the office is open.

17. ITEMS FROM THE MEMBERSHIP

18. ADJOURNMENT

Moved by Lasseter and seconded by Johnson to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:52 p.m.

Rich Marsh, Chairperson