

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION**

**November 23, 2020 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Jim Coleman, Travis Lasseter, Charlie Johnson, Kathy Johnson, Sande Runde, and Mark DiSanto (teleconference).

STAFF PRESENT: Brittney Molitor, Stephanie Jansen, Chutima Supboon, Cody Sack, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 9, 2020, MINUTES

Moved by C. Johnson and seconded by Lasseter to approve the Minutes of the November 9, 2020, Planning Commission meeting. Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.

2. APPROVAL OF THE AGENDA

Moved by Runde and seconded by Lasseter to approve the Agenda of the November 23, 2020, Planning Commission meeting, with the removal of Item #16 (TIF #5) from the Agenda. Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.

Moved by K. Johnson and seconded by DiSanto to approve the Consent Agenda of the November 23, 2020, Planning Commission meeting. Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 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 are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 14-25: Jeff DeVeney. To review two storage units to be located on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

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

**To approve the extension of Conditional Use Permit / CU 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 50' x 100' 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 Environmental 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 by the Planning Commission in three (3) years, 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.

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-05**: Spring Creek Hideaway, LLC / Brent and Pam Veurink. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Peterson Subdivision MS 622, Section 11, T2S, R4E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 16-05 with the following sixteen (16) conditions.**

1. **That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance Section 319-F-13;**
2. **That the applicant continue to provide a cell phone booster for the Vacation Home Rental to ensure that adequate cell phone service is available, in case of an emergency;**
3. **That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
4. **That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
5. **That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
6. **That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
7. **That a minimum of five (5) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
8. **That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;**

9. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Barrel Springs Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Rochelle Lee, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
14. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
15. 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,
16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-42:** Kyle and Kristina Volmer. To review living in a Recreational Vehicle while building a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4 of GL4, Section 7, T1N, R13E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 17-42 with the following ten (10) conditions.**

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized, only by the landowners, as living quarters on the subject property during construction of the single-family residence;

2. That the address for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from 171 Avenue, in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries the Special Flood Hazard Area located on the subject property;
6. That the subject property remains free of debris and junk vehicles;
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 upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
10. 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 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-44:** Gregory Yates. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 17-44 with the following fifteen (15) conditions.**

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department each year the Vacation Home Rental is in operation;
5. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per PCZO Section 310(A)(9)(g), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continues to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (23826 Highway 385) continues to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures the Vacation Home Rental continues to be operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from LeeAnn McDonald, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by the requirements of PCZO Section 319(F)(5);

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. 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;
13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of PCZO Section 319(C)(b); and,
15. That this Conditional Use Permit be reviewed in one (1) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

7. **ROAD NAMING:** David Grover. To name a proposed 40-foot-wide road to be dedicated as a Private Easement providing access to property located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota, Mills Ranch Road.

**To approve of the Road Naming of Mills Ranch Road.**

**Vote: unanimous 6 to 0.**

**END OF CONSENT AGENDA**

8. **LAYOUT PLAN / LPL 20-35:** Shane Swedlund. To subdivide and create Lot 1 and Lot 2 of Swedlund Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** Tract 2 B West Sub-Div of Lot 2 of SW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Lot 1 and Lot 2 of Swedlund Subdivision, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to subdivide and create Lot 1 and Lot 2 of Swedlund Subdivision.

Staff recommended approval of Layout Plan / LPL 20-35 with the following thirteen (13) 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 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;
4. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
5. 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;
6. That the applicant ensures that all-natural drainage wats are maintained and are not blocked;
7. That the applicants adhere to the requirements of the United States Forest Service;
8. That at a minimum an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard Area;
9. That at the time of the Minor Plat submittal, the proposed Plat contain the one hundred (100) year floodplain limits in accordance with current FIRM Panel
10. That prior to the Plat being recorded with the Register of Deeds, that the 40' wide private access easement be shown on the plat to verify legal access;
11. That prior to the plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;
12. 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,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed to include another condition to address one access point.

**Moved by K. Johnson and seconded by Lasseter to approve of Layout Plan / LPL 20-35 with the following fourteen (14) 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 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;**
- 4. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;**
- 5. 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;**
- 6. That the applicant ensures that all-natural drainage wats are maintained and are not blocked;**
- 7. That the applicants adhere to the requirements of the United States Forest Service;**
- 8. That at a minimum an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard Area;**
- 9. That at the time of the Minor Plat submittal, the proposed Plat contain the one hundred (100) year floodplain limits in accordance with current FIRM Panel**
- 10. That prior to the Plat being recorded with the Register of Deeds, that the 40' wide private access easement be shown on the plat to verify legal access;**
- 11. That prior to the plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;**
- 12. 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;**
- 13. That only one point of access be utilized for both lots; and,**

**14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

9. CONDITIONAL USE PERMIT / CU 20-27: Doug and Wendy Skogen. To allow an accessory structure, a shed, prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Tract B, HES No. 281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow accessory structure, a shed, prior to a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 20-27 with the following eleven (11) conditions:

1. That an approved Building Permit be obtained for the proposed accessory structure, a shed, prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address, 13350 Greyhound Gulch Road, be posted on the proposed accessory structure, and at the end of the driveway off of Greyhound Gulch Road, so it is visible from both directions of travel on Greyhound Gulch Road, in accordance with Pennington County's Ordinance #20;
3. That the proposed accessory structure be used for personal use only, no commercial-type uses are allowed;
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 the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the property be kept free of junk and debris;
7. That all the natural drainage paths be maintained;
8. 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;
9. That the applicant adheres to the U.S. Forest Service requirements at all times;

10. That the applicant adheres to Section 510(E) regarding the time limit on Conditional Use Permit established uses, and;
11. 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.

Discussion followed.

**Moved by DiSanto and seconded by K. Johnson to approve of Conditional Use Permit / CU 20-27 with the following eleven (11) conditions:**

- 1. That an approved Building Permit be obtained for the proposed accessory structure, a shed, prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the address, 13350 Greyhound Gulch Road, be posted on the proposed accessory structure, and at the end of the driveway off of Greyhound Gulch Road, so it is visible from both directions of travel on Greyhound Gulch Road, in accordance with Pennington County's Ordinance #20;**
- 3. That the proposed accessory structure be used for personal use only, no commercial-type uses are allowed;**
- 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 the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**
- 6. That the property be kept free of junk and debris;**
- 7. That all the natural drainage paths be maintained;**
- 8. 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;**
- 9. That the applicant adheres to the U.S. Forest Service requirements at all times;**
- 10. That the applicant adheres to Section 510(E) regarding the time limit on Conditional Use Permit established uses, and;**
- 11. 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.**

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

10. CONDITIONAL USE PERMIT / CU 20-28: Nuvent, Inc. / Mystic Cottage, LLC; Don Williamson – Owner. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Redfern Valley Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 20-28 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy be limited to two (2) people, based on SD DENR approval and the maximum daytime occupancy be limited to four (4) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 20-28 be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;
7. That a minimum of five (5) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;
9. That the lot address (23489 Mystic Road) be posted on the residence at all times, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Deb Ollerich, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future 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,
15. 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.

Discussion followed.

**Moved by K. Johnson and seconded by Runde to approve of Conditional Use Permit / CU 20-28, with a correction to Condition #7, with the following fifteen (15) conditions:**

- 1. That the maximum overnight occupancy be limited to two (2) people, based on SD DENR approval and the maximum daytime occupancy be limited to four (4) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
- 2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**

4. That each review of Conditional Use Permit / CU 20-28 be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;
7. That a minimum of two (2) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;
9. That the lot address (23489 Mystic Road) be posted on the residence at all times, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Deb Ollerich, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future 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,
15. 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.

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

11. MINOR PLAT / MPL 20-37: Dean and Jennifer Karschnik. To reconfigure lots lines to create Lot 2R of Lot 2 of Marshall Gulch Subdivision and Tract CR of Tract C of Lot 1 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract C of Lot 1 NW1/4NW1/4; and Lot 2 of Marshall Gulch Subdivision, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract CR of Lot 1 and Lot 2R of Marshall Gulch Subdivision, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to reconfigure lots lines to create Lot 2R of Lot 2 of Marshall Gulch Subdivision and Tract CR of Tract C of Lot 1.

Staff recommended approval of Minor Plat / MPL 20-37 with the following eight (8) conditions:

1. That prior to filing the Plat with the Register of Deeds, Proposed Tract CR be given a new subdivision name or be included in the Marshall Gulch Subdivision;
2. That the owners of proposed Tract CR, Timothy and Teresa Ripley, work with The Planning and Zoning Department in order to resolve the Section Line setback violation;
3. That the applicants ensure all natural drainage ways are maintained and not blocked;
4. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement; and,

8. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

**Moved by DiSanto and seconded by C. Johnson to approve of Minor Plat / MPL 20-37 with the following eight (8) conditions:**

1. That prior to filing the Plat with the Register of Deeds, Proposed Tract CR be given a new subdivision name or be included in the Marshall Gulch Subdivision;
2. That the owners of proposed Tract CR, Timothy and Teresa Ripley, work with The Planning and Zoning Department in order to resolve the Section Line setback violation;
3. That the applicants ensure all natural drainage ways are maintained and not blocked;
4. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement; and,
8. 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.

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

12. CONDITIONAL USE PERMIT REVIEW / CU 19-26: Danny Kruse. To review living in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Kruse Subdivision, Section 18, T1N, R9E, BHM, Pennington County, South Dakota

(Continued from the October 26, 2020, Planning Commission meeting.)

Theunissen stated this is a review of the applicant's Conditional Use Permit to review living in a Recreational Vehicle, stored within a pole barn, on the subject property.

Staff recommended to end Conditional Use Permit / CU 19-26, as the applicant has not met the approved Conditions of Approval.

Discussion followed.

**Moved by C. Johnson and seconded by Lasseter to end Conditional Use Permit / CU 19-26, as the applicant has not met the approved Conditions of Approval.**

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

13. CONDITIONAL USE PERMIT REVIEW / CU 71-04: David Allard. To review an existing mobile home park on the subject property in a General Commercial District in accordance with Sections 206, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR RTY across Lot 1 of Subdivision of Section 31, 2N-6E, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 23, 2020, Planning Commission meeting.)

Jansen stated this is a review of the applicant's Conditional Use Permit to allow a mobile home park.

Staff had originally recommended to continue the review of Conditional Use Permit / CU 71-04 to the January 11, 2021, Planning Commission meeting to allow the applicant time to bring the property into compliance with the following one (1) condition: 1. That if the property is not brought into compliance by December 31, 2020, then the Conditional Use Permit will end and be turned over to the State's Attorney's Office; and now Staff is recommending to continue the review of Conditional Use Permit / CU 71-04 to the December 7, 2021, Planning Commission meeting to allow the applicant time to bring the property into compliance with the following one (1) condition: 1. That if the property is not brought into compliance by December 1, 2020, then the Conditional Use Permit will end and be turned over to the State's Attorney's Office.

Discussion followed.

**Moved by Runde and seconded by K. Johnson to continue the review of Conditional Use Permit / CU 71-04 to the December 7, 2021, Planning Commission meeting to allow the applicant time to bring the property into compliance with the following one (1) condition:**

- 1. That if the property is not brought into compliance by December 1, 2020, then the Conditional Use Permit will end and be turned over to the State's Attorney's Office.**

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

14. PRELIMINARY PLAT / PPL 20-36: David Grover. To create Lots A through L of Mills Ranch Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B of HES #303 Less Tract Drew; Tract A of HES #303 Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew, and Less ROW; and GL Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew and Less ROW, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A through L of Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to create Lots A through L of Mills Ranch Subdivision.

Staff recommended approval of Preliminary Plat / PPL 20-36 with the following nine (9) conditions:

1. That prior to submittal of the Final Plat, a Rezone or Lot Size Variance is obtained for the proposed twelve (12) lots;
2. That the applicant ensures all natural drainage ways are maintained and are not blocked;
3. That the road name “Mills Ranch Road” be shown on the plat;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
5. That prior to filing the plat 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;

6. 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;
7. That the applicant obtains Approach Permits from the County Highway Department prior to installation of any approaches off of Old Hill City Road;
8. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations Variance(s) be obtained; and,
9. 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.

Discussion followed.

**Moved by K. Johnson and seconded by DiSanto approve of Preliminary Plat / PPL 20-36, with the removal of Condition #5, with the following eight (8) conditions:**

- 1. That prior to submittal of the Final Plat, a Rezone or Lot Size Variance is obtained for the proposed twelve (12) lots;**
- 2. That the applicant ensures all natural drainage ways are maintained and are not blocked;**
- 3. That the road name “Mills Ranch Road” be shown on the plat;**
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;**
- 5. 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;**
- 6. That the applicant obtains Approach Permits from the County Highway Department prior to installation of any approaches off of Old Hill City Road;**
- 7. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations Variance(s) be obtained; and,**
- 8. 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.**

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

15. PLANNED UNIT DEVELOPMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review a Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor stated this is a review of the applicants Planned Unit Development and Staff had originally recommended to continue the review of Planned Unit Development / PU 16-03 to the December 21, 2020, Planning Commission meeting, as the applicants have not provided Staff with an update on their progress towards meeting the conditions of the PUD and that the applicants also want to submit a Major Amendment to the PUD, but neither the application nor any of the necessary notice requirements have been met to discuss this issue.

Staff is now recommending to continue the review of the Planned Unit Development / PU 16-03 to the January 25, 2021, Planning Commission meeting, per the request of the applicants.

Discussion followed.

**Moved by DiSanto and seconded by Lasseter to continue the review of Planned Unit Development / PU 16-03 to the January 25, 2021, Planning Commission meeting, per the request of the applicants.**

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 9, 2020, Planning Commission meeting.

17. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

A. December 21<sup>st</sup> PC Meeting. Molitor noted the December 21<sup>st</sup> Planning Commission will start at 2 p.m.

19. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

20. ADJOURNMENT

**Moved by Lasseter and seconded by Coleman to adjourn.**

**Roll Call: Coleman – aye; C. Johnson – aye; Lasseter - aye, K. Johnson – aye, Runde – aye, and DiSanto – aye. Roll Call Vote: carried 6 to 0.**

**The meeting adjourned at 10:28 a.m.**

---

Jim Coleman, Vice Chairperson