

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
February 28, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Karen McGregor, Charlie Johnson, Jim Coleman, Mikal Lewis, and Lloyd LaCroix.

STAFF PRESENT: Brittney Molitor, Madisen Ransom, Cody Sack, Chutima Supboon, Jason Theunissen, Jeri Ervin, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE FEBRUARY 14, 2022, MINUTES  
**Moved by Johnson and seconded by McGregor to approve the Minutes of the February 14, 2022, Planning Commission meeting. Vote: unanimous 6 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by McGregor and seconded by Lewis to approve the Agenda of the February 28, 2022, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Lewis and seconded by Johnson to approve the Consent Agenda of the February 28, 2022, 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 14-28:** Matt Cavenee. To review a Vacation Home Rental in an Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 14-28 with the following sixteen (16) conditions:**

1. **That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;**

2. That the 12' x 16' shed continue to not be utilized as sleeping quarters at any time;
3. That each review of Conditional Use Permit / CU 14-28, be subject to PCZO §511(P), which imposes a \$100 fee per review;
4. That a minimum of 2 off-street parking spaces continue to be provided on-site , per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9 by eighteen feet and maintained in a dust-free manner;
5. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
6. That the applicant continually complies with Administrative Rules of South Dakota (ARSD) 44:02:08, which regulates Vacation Homes;
7. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
8. That the applicant continually comply with the Performance Standards outlined in PCZO §319(F), which regulates Vacation Home Rentals;
9. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as ATVs and horses;
10. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G) during operation of the residence as a VHR;
11. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging or if their contact information is changed, that the interior information 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 PCZO §319(F)(5);
12. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;
13. That if any addition is constructed on the 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 DANR;
14. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

15. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit; and,
16. That this Conditional Use Permit be reviewed in 1 year, per PCZO §319(C)(5)(d), on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-30:** Hayden Clark. 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 205 and 510 of the Pennington County Zoning Ordinance.

NW1/4, S1/2 less ROW, Section 20, T2N, R17E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 18-30.**

**Vote: unanimous 6 to 0.**

## **END OF CONSENT AGENDA**

5. **CONDITIONAL USE PERMIT / CU 22-02:** William and Mavis Jeffery. To allow a multi-family residence in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Block 1, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a multi-family residence.

Staff recommended approval of Conditional Use Permit / CU 22-02 with the following eight (8) conditions:

1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any work being done;
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 Suburban Residential District be continually maintained on the property;
5. That the address, 3210 Reservoir Road, be posted on the residence and at the end of driveway where it intersects Reservoir Road, in accordance with Pennington County Ordinance #20;
6. That an address be assigned to the multi-family dwelling unit and be posted on the structure and at the end of driveway where it intersects Reservoir Road, in accordance with Pennington County Ordinance #20;
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 this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Coleman and seconded by Lewis to approve of Conditional Use Permit / CU 22-02 with the following eight (8) conditions:**

- 1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any work being done;**
- 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 Suburban Residential District be continually maintained on the property;**
- 5. That the address, 3210 Reservoir Road, be posted on the residence and at the end of driveway where it intersects Reservoir Road, in accordance with Pennington County Ordinance #20;**
- 6. That an address be assigned to the multi-family dwelling unit and be posted on the structure and at the end of driveway where it intersects Reservoir Road, in accordance with Pennington County Ordinance #20;**

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 this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 6 to 0.**

6. CONDITIONAL USE PERMIT / CU 21-68: Delbert and Yvette Haskell. To allow an existing single-family residence to be used as a Bed and Breakfast in an Agriculture District in accordance with Sections 205, 323, and 510 of the Pennington County Zoning Ordinance.

Tract 5, Clear Creek Tracts Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Bed and Breakfast.

Staff recommended approval of Conditional Use Permit / CU 21-68 with the following nineteen (19) conditions:

1. That the maximum overnight occupancy for the Bed and Breakfast be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per an approval letter from South Dakota Department of Agriculture and Natural Resources (DANR) approval;
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;
3. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants wants to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the applicants provide family-style breakfast for guests at the Bed and Breakfast;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;

7. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310;
10. That if the applicants want to post an exterior sign, the said sign shall meet the requirements of PCZO §§323-B-3-b and 312;
11. That an interior informational sign shall be posted in the Bed and Breakfast for all guests, including but not limited to information of the Pennington County Sheriff and closest Fire Department, parking, quiet hours, in accordance with the requirements of PCZO § 323-B-3-d;
12. That the property address (23276 Clear Creek Road) be posted on the residence at all times and at the driveway where it intersects Clear Creek Road, in accordance with Pennington County's Ordinance #20;
13. That the building in which the Bed and Breakfast is located, continues to be owner occupied with the Pennington County Department of Equalization;
14. That the applicants ensure the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
15. That if the person designated as the Local Contact is ever changed from Delbert Haskell, 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;
16. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;
17. That the applicants adhere to the attached comments from the U.S. Forest Service;
18. 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,
19. 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 LaCroix and seconded by Lewis to approve of Conditional Use Permit / CU 21-68 with the following twenty (20) conditions:**

- 1. That the maximum overnight occupancy for the Bed and Breakfast be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per an approval letter from South Dakota Department of Agriculture and Natural Resources (DANR) approval;**
- 2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;**
- 3. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants wants to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
- 4. That the applicants provide family-style breakfast for guests at the Bed and Breakfast;**
- 5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 6. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;**
- 7. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 8. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 9. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310;**
- 10. That if the applicants want to post an exterior sign, the said sign shall meet the requirements of PCZO §323-B-3-b and §312;**
- 11. That an interior informational sign shall be posted in the Bed and Breakfast for all guests, including but not limited to information of the Pennington**

**County Sheriff and closest Fire Department, parking, quiet hours, in accordance with the requirements of PCZO § 323-B-3-d;**

- 12. That the property address (23276 Clear Creek Road) be posted on the residence at all times and at the driveway where it intersects Clear Creek Road, in accordance with Pennington County's Ordinance #20;**
- 13. That the building in which the Bed and Breakfast is located, continues to be owner occupied with the Pennington County Department of Equalization;**
- 14. That the applicants ensure the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;**
- 15. That if the person designated as the Local Contact is ever changed from Delbert Haskell, 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;**
- 16. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;**
- 17. That the applicants adhere to the attached comments from the U.S. Forest Service;**
- 18. 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,**
- 19. That the applicants update their website and information to indicate that 4 people are allowed to stay, with the maximum daytime occupancy be limited to 8 people,**
- 20. 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.**

**All voting aye, the Motion carried 6 to 0.**

7. CONDITIONAL USE PERMIT / CU 21-72: Todd and Rise Waldera. To allow an existing single-family residence to be used as a Vacation Home Rental in an Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Tract A, Rustlers Ranch Addition, Section 8, T1S, R4E, BHM, Pennington County, South Dakota.



Supboon reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 21-72 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to 8 people and the maximum daytime occupancy be limited to 16 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-72, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. That the applicants 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;
9. That a minimum of 4 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1, contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;

11. That the lot address (23686 Newton Fork Road) be posted on the residence at all times and at the driveway where it intersects Newton Fork Road, in accordance with Pennington County's Ordinance #20 and the comment from the Emergency Services (911);
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Lee Ann McDonald, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That the applicants adhere to the attached comments from the U.S. Forest Service;
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
17. That this Conditional Use Permit be reviewed in 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 LaCroix and seconded by Coleman to approve of Conditional Use Permit / CU 21-72 with the following seventeen (17) conditions:**

- 1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to 8 people and the maximum daytime occupancy be limited to 16 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);**
- 3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**

4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-72, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. That the applicants 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;
9. That a minimum of 4 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1, contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
11. That the lot address (23686 Newton Fork Road) be posted on the residence at all times and at the driveway where it intersects Newton Fork Road, in accordance with Pennington County's Ordinance #20 and the comment from the Emergency Services (911);
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Lee Ann McDonald, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;

15. **That the applicants adhere to the attached comments from the U.S. Forest Service;**
16. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
17. **That this Conditional Use Permit be reviewed in 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.**

8. CONDITIONAL USE PERMIT / CU 22-03: SC Meridian, LLC (Larry Teuber); Jessica Ginger - Agent. To allow a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 3, Block 5, Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 22-03 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval with being contingent on any cistern being located more than 100 feet from the absorption system, be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if the cistern varies from the SD DANR approval letter, the applicant shall contact the DANR to obtain a new approval letter regarding the maximum overnight occupancy;
3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
4. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

6. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
7. That each review of Conditional Use Permit / CU 22-03, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
8. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
9. That the applicants 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;
10. That a minimum of 2 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner, and parking in the road Right-of-Way is not allowed;
11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
12. That the lot address (5876 Pioneer Circle) be posted on the residence at all times and at the driveway where it intersects Pioneer Circle, in accordance with Pennington County's Ordinance #20;
13. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed from Jessica Ginger, 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;
15. 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;
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,

17. That this Conditional Use Permit be reviewed in 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 Coleman and seconded by LaCroix to approve of Conditional Use Permit / CU 22-03 with the following seventeen (17) conditions:**

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval with being contingent on any cistern being located more than 100 feet from the absorption system, be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if the cistern varies from the SD DANR approval letter, the applicant shall contact the DANR to obtain a new approval letter regarding the maximum overnight occupancy;
3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
4. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
7. That each review of Conditional Use Permit / CU 22-03, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
8. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
9. That the applicants 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;

10. That a minimum of 2 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner, and parking in the road Right-of-Way is not allowed;
11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
12. That the lot address (5876 Pioneer Circle) be posted on the residence at all times and at the driveway where it intersects Pioneer Circle, in accordance with Pennington County's Ordinance #20;
13. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed from Jessica Ginger, 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;
15. 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;
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
17. That this Conditional Use Permit be reviewed in 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. CONDITIONAL USE PERMIT / CU 22-04: School House, LLC (Larry Teuber); Jessica Ginger - Agent. To allow a Vacation Home Rental in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pioneer Subdivision No. 3, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

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

Staff originally recommended approval of Conditional Use Permit / CU 22-04 with seventeen (17) conditions, but are now recommending to continue to the May 9, 2022, Planning Commission meeting.

Discussion followed.

**Moved by McGregor and seconded by Coleman to continue Conditional Use Permit / CU 22-02 to the May 9, 2022, Planning Commission meeting.**

**All voting aye, the Motion carried 6 to 0.**

Commissioner McGregor left the meeting at 10:16 a.m.

Commissioner McGregor returned to the meeting at 10:17 a.m.

10. CONDITIONAL USE PERMIT / CU 22-05: Scott and Brooke Sturlaugson; SAI Construction / Dale Christiansen - Agent. To live in a Recreational Vehicle while building a single-family residence on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 18, Ridgeland Heights Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to live in a Recreational Vehicle while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-05 with the following twelve (12) conditions:

1. That only 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters;
2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the property owner for personal use;
3. That the wastewater from the RV be properly disposed of at all times by utilizing the existing On-Site Wastewater Treatment System on the property;
4. That prior to utilizing the RV, an approved approach Permit be obtained from County Highway and provided to the Planning Department;
5. That an address be assigned to the property and that it be clearly posted on the RV while it is being utilized as temporary living quarters and clearly visible from both directions of travel along Ridgeland Loop, in accordance with Pennington County Ordinance #20;
6. That the minimum setback requirements of a Rural Residential District be maintained on the subject property;



7. That a Building Permit for the proposed single-family residence be applied for within 1 year of approval of CU 22-05;
8. That when the proposed residence is habitable, the RV no longer be used as a temporary living quarters, be disconnected from utilities, and only be allowed to be stored on the property;
9. That the property remains free of debris and junk vehicles;
10. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
11. 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,
12. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Coleman and seconded by McGregor to approve of Conditional Use Permit / CU 22-05 with the following twelve (12) conditions:**

- 1. That only 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters;**
- 2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the property owner for personal use;**
- 3. That the wastewater from the RV be properly disposed of at all times by utilizing the existing On-Site Wastewater Treatment System on the property;**
- 4. That prior to utilizing the RV, an approved approach Permit be obtained from County Highway and provided to the Planning Department;**
- 5. That an address be assigned to the property and that it be clearly posted on the RV while it is being utilized as temporary living quarters and clearly visible from both directions of travel along Ridgeland Loop, in accordance with Pennington County Ordinance #20;**
- 6. That the minimum setback requirements of a Rural Residential District be maintained on the subject property;**
- 7. That a Building Permit for the proposed single-family residence be applied for within 1 year of approval of CU 22-05;**

8. **That when the proposed residence is habitable, the RV no longer be used as a temporary living quarters, be disconnected from utilities, and only be allowed to be stored on the property;**
9. **That the property remains free of debris and junk vehicles;**
10. **That the applicant adheres to Pennington County Zoning Ordinance Section 510;**
11. **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,**
12. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 6 to 0.**

11. LAYOUT PLAN / LPL 22-02: Martha Washington Place, LLC; Rodney Johnson. To create Lot A of Lot 1 of Martha Washington Place Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 (Also in Sec. 2), Martha Washington Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A of Lot 1, Martha Washington Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Layout Plan to create Lot A of Lot 1 of Martha Washington Place Subdivision.

Staff recommended approval of Layout Plan / LPL 22-02 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. 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;

4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Minor Plat submittal, Old Hill City Road be identified on the plat;
6. That a 40-foot-wide access easement be created to ensure a landlocked parcel is not created between Lot A and the remaining balance of Lot 1 of Martha Washington Place Subdivision;
7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
8. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Lewis and seconded by Johnson to approve of Layout Plan / LPL 22-02 with the following ten (10) conditions:**

- 1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 3. 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;**
- 4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That at the time of Minor Plat submittal, Old Hill City Road be identified on the plat;**

6. **That a 40-foot-wide access easement be created to ensure a landlocked parcel is not created between Lot A and the remaining balance of Lot 1 of Martha Washington Place Subdivision;**
7. **That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;**
8. **That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;**
9. **That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
10. **That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 6 to 0.**

12. LAYOUT PLAN / LPL 22-03: Little Guys, LLC / Ben Brink; KTM Design Solutions - Agent. To reconfigure lot lines to create Lots 1 and 2 of Powder House Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Also in Section 6, T2S-R6E, Maine Lode MS 1715; Less Lot H1, H2 and H3, West State Lode MS 1533; and Less Lot H1 – Lot H6 and Less Beckman Subdivision #2 all of Section 5, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2, Powder House Subdivision, Sections 5 and 6, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Layout Plan to reconfigure lot lines to create Lots 1 and 2 of Powder House Subdivision.

Staff recommended approval of Layout Plan / LPL 22-03 with the following nine (9) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. 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;

4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;
6. That prior to the mylar being filed at Register of Deeds, the property owner enters into an encroachment agreement with Pennington County to address the 2 cabins located within the Section Line right-of-way;
7. That prior to the mylar being filed at Register of Deeds, a Major Planned Unit Development Amendment is applied for;
8. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Lewis and seconded by Johnson to approve of Layout Plan / LPL 22-03 with the following nine (9) conditions:**

- 1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 3. 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;**
- 4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;**

6. **That prior to the mylar being filed at Register of Deeds, the property owner enters into an encroachment agreement with Pennington County to address the 2 cabins located within the Section Line right-of-way;**
7. **That prior to the mylar being filed at Register of Deeds, a Major Planned Unit Development Amendment is applied for;**
8. **That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
9. **That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 6 to 0.**

Commissioner LaCroix left the meeting at 10:30 a.m.

Commissioner LaCroix returned to the meeting at 10:31 a.m.

13. LAYOUT PLAN / LPL 22-01: Charles and Kimberly Klafka; All Aspects Land Surveying - Agent. To combine two lots to create Lot 45A of Burns Placer MS 697 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 45 and Lot 46, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 45A, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the February 14, 2022, Planning Commission meeting.)

Sack reviewed the Staff Report indicating the applicants have applied for a Layout Plan to combine two lots to create Lot 45A of Burns Placer MS 697.

Staff recommended approval of Layout Plan / LPL 22-01 with the following seven (7) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
4. 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;

5. 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;
6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Sack further stated that Staff would like to add two conditions to the Conditions of Approval to address the Building Permit needed for the work being done on the detached garage on Lot 45 and a new site plan survey is submitted for the structure on Lot 46.

Discussion followed.

**Moved by Johnson and seconded by Coleman to approve of Layout Plan / LPL 22-01 with the following nine (9) conditions:**

- 1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That prior to Minor Plat submittal, a Building Permit be applied for the work being done on the detached garage on the existing Lot 45, with all applicable penalty fees to be paid;**
- 3. That prior to Minor Plat submittal, a new survey site plan be submitted showing the structure located on the existing Lot 46;**
- 4. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 5. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;**
- 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;**

8. **That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
9. **That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 6 to 0.**

14. LAYOUT PLAN / LPL 22-04: Larry and Nancy Van Overschelde. To reconfigure lot lines to create Lot 10R and Lot 11R of Bears Den Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 10 and 11, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 10R and 11R, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Layout Plan to reconfigure lot lines to create Lot 10R and Lot 11R of Bears Den Subdivision.

Staff recommended approval of Layout Plan / LPL 22-04 with the following nine (9) conditions:

1. That at the time of submittal of the Minor Plat, the applicant must provide percolation test results and soil profile information to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
2. That at the time of submittal of the Minor Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
3. That at the time of submittal of the Minor Plat, 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;
4. That at the time of submittal for the Minor Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
5. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;
6. That at the time of submittal of the Minor Plat, the proposed Plat be prepared by a Registered Land Surveyor;



7. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
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;
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by McGregor and seconded by Coleman to approve of Layout Plan / LPL 22-04 with the following nine (9) conditions:**

- 1. That at the time of submittal of the Minor Plat, the applicant must provide percolation test results and soil profile information to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 2. That at the time of submittal of the Minor Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 3. That at the time of submittal of the Minor Plat, 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;**
- 4. That at the time of submittal for the Minor Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
- 5. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;**
- 6. That at the time of submittal of the Minor Plat, the proposed Plat be prepared by a Registered Land Surveyor;**
- 7. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;**
- 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;**

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

**All voting aye, the Motion carried 6 to 0.**

15. COMPREHENSIVE PLAN AMENDMENT / CA 22-01: Larry and Nancy Van Overschelde. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 10 and 11, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 22-01.

Discussion followed.

**Moved by McGregor and seconded by Coleman to approve of Comprehensive Plan Amendment / CA 22-01.**

**All voting aye, the Motion carried 6 to 0.**

16. REZONE / RZ 22-01: Larry and Nancy Van Overschelde. To rezone 2.89 acres from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 10 and 11, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 2.89 acres from Rural Residential District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 22-01.

Discussion followed.

**Moved by McGregor and seconded by Coleman to approve of Rezone / RZ 22-01**

**All voting aye, the Motion carried 6 to 0.**

17. ORDINANCE AMENDMENT / OA 22-01: Pennington County. To add Section 321 “Hard Rock Mining” [to add Section 321 “Hard Rock Mining”] to the Pennington County Zoning Ordinance.

Sack stated that Staff is recommending to continue Ordinance Amendment / OA 22-01 to the March 28, 2022, Planning Commission meeting in order for staff to perform additional research and address concerns of the public.

Staff recommended to continue Ordinance Amendment / OA 22-01 to the March 28, 2022, Planning Commission meeting.

Discussion followed.

**Moved by Johnson and seconded by Lewis to continue Ordinance Amendment / OA 22-01 to the March 28, 2022, Planning Commission meeting.**

**All voting aye, the Motion carried 6 to 0.**

18. COUNTY BOARD REPORT

The Board of Commissioners will hear Planning Commission's recommendations from the February 14th meeting on Tuesday, March 1st.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

A. Building Permit Inspector Position. Molitor stated this position has been filled and the employee will start on April 4, 2022.

21. ITEMS FROM THE MEMBERSHIP

Commissioner Coleman stated he will not be at the March 28th meeting.

Chairma Marsh spoke of Planning Staff addressing concerns of citizens on items presented at Planning Commission meetings. He further spoke of d/b/a on applications that are submitted, and emergency access routes noted for Vacation Home Rentals.

Commissioner Lewis spoke of developments with only one ingress/egress.

22. ADJOURNMENT

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

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 11:10 a.m.**

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Rich Marsh, Chairperson

