

**MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION**

**March 14, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Karen McGregor, Charlie Johnson, Mikal Lewis, and Deb Hadcock.

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 28, 2022, MINUTES  
**Moved by Johnson and seconded by McGregor to approve the Minutes of the February 28, 2022, Planning Commission meeting. Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Coleman and seconded by Lewis to approve the Agenda of the March 14, 2022, Planning Commission meeting, with the removal of Item #4. Vote: unanimous 6 to 0.**

**Moved by Lewis and seconded by Johnson to approve the Consent Agenda of the March 14, 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 10-40:** Jayne Heying-Bilka. To review a home occupation in an accessory structure in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4SW1/4 less Lot 3 of RC Airport Sub. #4 and less ROW, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 10-40 with the following nine (9) conditions:**

1. **That the address (22988 Hidden Springs Road) continues to be properly posted so it is clearly visible from both directions of travel along Hidden Springs Road in accordance with Pennington County's Ordinance #20;**

2. That the home occupation shall continually be operated by members of the family residing on the premises and no more than 1 additional employee;
3. That the home occupation continues to only be conducted in the accessory structure, shed, or primary residence and no other structure on the property. Prior to the use of any other structures for the home occupation, this Conditional Use Permit must be amended;
4. That storage for the home occupation be continually kept entirely indoors;
5. That a minimum of 3 off-street parking spaces be continually provided, 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;
6. That the home occupation continually appears secondary to the primary, residential use of the property and the residential character of the property be maintained;
7. That the applicant continually only sells goods off-premise and no on-premise retail sales be allowed;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
9. That this Conditional Use Permit be reviewed in 5 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.**

#### **END OF CONSENT AGENDA**

4. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-09: Big Horn Canyon Ministries, Inc. To review a church/place of worship in a Planned Unit Development District in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 6 of Tract A, Knights Acres Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Lewis asked to have this Item removed from the Consent Agenda for discussion.

Staff recommend approval of the extension of Major Planned Unit Development Amendment / PU 17-09 with twenty-two (22) conditions.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve the extension of Major Planned Unit Development Amendment / PU 17-09 with the following twenty-two (22) conditions:**

- 1. That the purpose of this Planned Unit Development continue to allow traditional Christian meetings and events, such as weddings funerals, conferences, youth and children's activities, seminars, Bible teaching and discipleship;**
- 2. That the pond may be used for activities such as kayaking, swimming, skating, fishing, and ice fishing by occupants of the property and their guests;**
- 3. That the pond continue to be lined with a geomembrane/bentonite composite liner and continue to be walled or fenced to prevent uncontrolled access, in accordance with Section 307-F of the Pennington County Zoning Ordinance;**
- 4. That a minimum of 200 parking spaces continue to be provided on the property;**
- 5. That the parking areas be continually maintained in a dust free manner;**
- 6. That the internal driveway be a minimum of 24-foot-wide gravel driving surface, maintained in a dust free manner;**
- 7. That recreational fields/sites for volleyball, soccer, softball, basketball, football, and picnics for fellowship and community outreach be allowed on the property;**
- 8. That the setbacks from property lines continue to be the same as required in an Agriculture District and 58 feet from Section Lines;**
- 9. That structures do not exceed thirty-five feet in height;**
- 10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 11. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;**
- 12. That the applicant continue to ensure the residential character of the property is maintained;**

13. That all music being provided for outdoor activities be shut down by 10:00 p.m. and quiet hours continue to be observed from 10:00 p.m. to 7:00 a.m.;
14. That a portable fire extinguisher with a minimum 2 A-BC rating shall continue to be placed on each floor level and shall be inspected and tagged annually;
15. That all primary exits that lead to the exterior of the structure shall continue to be unlocked, free from obstruction and clearly marked;
16. That the applicant ensures that all natural drainage ways continue to be maintained and are not blocked;
17. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require a Construction Permit;
18. That the physical address for both existing residences and any future addresses that are assigned, continue to be posted in accordance with Pennington County Ordinance #20;
19. That tents be erected only when needed and not on a permanent basis and temporary Building Permits be obtained when necessary;
20. That all exterior lighting continue to be directed away from neighboring property owners, which does not result in excessive glare upon surrounding property;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit; and,
22. That the Planned Unit Development be reviewed 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.

All voting aye, the Motion carried 6 to 0.

5. LAYOUT PLAN / LPL 22-05: Debra Pimentel. To subdivide and create Lots 13C and 13D of Battle Creek Mountain Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 13A Less Lot H1, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 13C and 13D, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 13C and 13D of Battle Creek Mountain Estates Subdivision.

Staff recommended approval of Layout Plan / LPL 22-05 with the following six (6) 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, 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;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
6. 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 Johnson and seconded by McGregor to approve of Layout Plat / LPL 22-05 with the following six (6) 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, 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;**

5. **That the applicant ensures all-natural drainage ways are maintained and not blocked; and,**
6. **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.**

6. CONDITIONAL USE PERMIT / CU 22-06: Kent Disse. To allow a gunsmithing business in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 3 of Tract 1, Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a gunsmithing business on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-06 with the following fourteen (14) conditions:

1. 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;
2. That the gunsmithing and service business shall be operated completely within the existing accessory structure located on the property;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, be conducted entirely indoors;
6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That an address be assigned to the structure being used for the business and the address be properly posted on both the structure and at the approach so it is visible in both directions from Tigerville Road in accordance with Pennington County's Ordinance #20;
8. That the applicant acquires an Excise Sales Tax License as required by the South Dakota Department of Revenue prior to operation;

9. That the applicant notifies the Hill City Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file prior to operation;
10. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
13. That the home occupation shall be operated by a member of the family residing on the premises; and,
14. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

**Moved by McGregor and seconded by Lewis to approve of Conditional Use Permit / CU 22-06 with the following fourteen (14) conditions:**

- 1. 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;**
- 2. That the gunsmithing and service business shall be operated completely within the existing accessory structure located on the property;**
- 3. That no business sign be posted on the property;**
- 4. That no on-premise retail sales be allowed;**
- 5. That the home occupation, including all associated storage, be conducted entirely indoors;**
- 6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;**
- 7. That an address be assigned to the structure being used for the business and the address be properly posted on both the structure and at the approach so it is visible in both directions from Tigerville Road in accordance with Pennington County's Ordinance #20;**

8. That the applicant acquires an Excise Sales Tax License as required by the South Dakota Department of Revenue prior to operation;
9. That the applicant notifies the Hill City Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file prior to operation;
10. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
13. That the home occupation shall be operated by a member of the family residing on the premises; and,
14. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

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

7. LAYOUT PLAN / LPL 22-06: Karen Fonseca; Allan and Becky Knutson; D.C. Scott Surveyors. To reconfigure lot lines to create Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Lot 1; Lot B of Lot 1 and Lot C of Lot 1, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision.

Ransom reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision.

Staff recommended approval of Layout Plan / LPL 22-06 with the following eleven (11) conditions:

1. That at the time of submittal of 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;



2. 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;
3. That at the time of submittal of the Minor Plat, the designated turnarounds meet the Subdivision Regulation dimensions or the proper Subdivision Regulation Variance be obtained waiving the 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 the applicant vacate the Public Right-of-Way prior to submitting the Final Plat;
9. That the applicant records an Access Easement for the proposed Lot CR of Lot 1 at the Register of Deeds;
10. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Commissioner Hadcock left the meeting at 9:17 a.m.

**Moved by Coleman and seconded by Lewis to approve of Layout Plan / LPL 22-06 with the following eleven (11) conditions:**

- 1. That at the time of submittal of 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;**

2. 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;
3. That at the time of submittal of the Minor Plat, the designated turnarounds meet the Subdivision Regulation dimensions or the proper Subdivision Regulation Variance be obtained waiving the 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 the applicant vacate the Public Right-of-Way prior to submitting the Final Plat;
9. That the applicant records an Access Easement for the proposed Lot CR of Lot 1 at the Register of Deeds;
10. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
11. 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 5 to 0.

Commissioner Hadcock returned to the meeting at 9:18 a.m.

8. COMPREHENSIVE PLAN AMENDMENT / CA 22-02: Bruce and Sandra Rampelberg; KTM Design Solutions – Agent. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

N1/2SW1/4NE1/4 Less Right-of-Way, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Comprehensive Plan Amendment to amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Rural Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-02.

Discussion followed.

Moved by Coleman and seconded by Marsh to approve of Comprehensive Plan Amendment / CA 22-02.

**Substitute Motion: Moved by Hadcock and seconded by Johnson to deny without prejudice Comprehensive Plan Amendment / CA 22-02.**

**All voting, the Motion carried 5 to 1. Commissioner Coleman voted no.**

9. REZONE / RZ 22-02: Bruce and Sandra Rampelberg; KTM Design Solutions – Agent. To rezone from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

N1/2SW1/4NE1/4 Less Right-of-Way, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

Staff recommended approval of Rezone / RZ 22-02.

Discussion followed.

**Moved by Hadcock and seconded by Lewis to deny without prejudice Rezone / RZ 22-02.**

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

10. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-03: Nathan and Alexis Sobolewski. To allow a Planned Unit Development Overlay for a Specialty Resort to include 50 Recreational Vehicle sites, 25 rental cabins, a shower house, a wedding venue, a bar/saloon area, and a guide service on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

W1/2E1/2, S1/2NW1/4, SW1/4 of Section 21, T2S, R13E and NW1/4NE1/4; N1/2NW1/4 of Section 28, T2S, R13E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Specialty Resort to include 50 Recreational Vehicle sites, 25 rental cabins, a shower house, a wedding venue, a bar/saloon area, and a guide service.

Staff recommended approval of Planned Unit Development Overlay / PU 22-03 with the following twenty-six (26) conditions:

1. That the approved uses of the Recreational Resort include: 25 cabin rentals (air bnbs), shower house, 50 recreational vehicle sites, guiding services, a bar/saloon, and a wedding venue;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
6. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That prior to operation, the applicant obtains County Fire approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
8. That each Recreational Vehicle site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
9. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
10. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310;
11. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That any Cabin Rental within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for a Cabin Rental, with a minimum of at least 1 smoke detector per floor;
15. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;

16. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Cabin Rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any Cabin Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
20. That any Recreation Vehicle Park / Site must comply with PCZO §306;
21. That setbacks for all structures shall comply with those required in an Agriculture District;
22. That building plans for the proposed wedding venue and bar be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
23. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay;
24. That each RV site be equipped with electrical hookups and water and sewer hookups;
25. That all OSWTS obtain approval from Pennington County and the SD DANR and that all septic systems adhere to the PCZO §204-J; and,
26. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

**Moved by Johnson and seconded Hadcock to approve of Planned Unit Development Overlay / PU 22-03 with the following twenty-seven (27) conditions:**

1. **That the approved uses of the Recreational Resort include: 25 cabin rentals (air bnbs), shower house, 50 recreational vehicle sites, guiding services, a bar/saloon, and a wedding venue;**

2. That a **Building Permit** be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
6. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That prior to operation, the applicant obtains County Fire approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
8. That each Recreational Vehicle site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
9. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
10. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310;
11. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That any Cabin Rental within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for a Cabin Rental, with a minimum of at least 1 smoke detector per floor;
15. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;

16. 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;
17. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Cabin Rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
18. That the maximum number of people staying at any Cabin Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
21. That any Recreation Vehicle Park / Site must comply with PCZO §306;
22. That setbacks for all structures shall comply with those required in an Agriculture District;
23. That building plans for the proposed wedding venue and bar be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
24. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay;
25. That each RV site be equipped with electrical hookups and water and sewer hookups;
26. That all OSWTS obtain approval from Pennington County and the SD DANR and that all septic systems adhere to the PCZO §204-J; and,
27. That this Planned Unit Development Overlay be reviewed in six (6) months, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

11. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-02: Aaron Olson; KTM Design Solutions – Agent. To amend the existing Planned Unit Development to allow 20 full-service Recreational Vehicle sites; 5 cabins to be constructed within the existing 20’ x 80’ building; and a caretaker/manager’s residence to include an office building in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract A Less Lot H1, Rapid City Placer MS 614, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to amend an existing Planned Unit Development to allow 20 full-service Recreational Vehicle sites; 5 cabins to be constructed within the existing 20’ x 80’ building; and a caretaker/manager’s residence to include an office building.

Staff recommended approval of Major Planned Unit Development Amendment / PU 22-02 with the following twenty-five (25) conditions:

1. That the approved uses are limited to 20 full service RV sites; 5 cabins to be constructed within the existing 20’ x 80’ building; and a caretaker/manager residence to include an office building;
2. That prior to operation, the applicant obtains approved Building Permits for the removal of the 2 mobile homes and 1 carport;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
7. That the assigned address (23849 Highway 385) be properly and continually posted on the “office” in accordance with Pennington County’s Ordinance #20;
8. That each of the five rental cabins be clearly marked with a unique cabin number and that the assigned address of the property (23849 Highway 385) be posted in each guest room utilized as a rental cabin;
9. That each RV parking spot be marked with a unique spot number clearly visible from the driveway;



10. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
11. That a minimum of 7 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
12. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in § 310 of the Pennington County Zoning Ordinance;
13. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16A;
15. That prior to operation, any cabin rental within the Planned Unit Development have all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue and that these permits be provided to the Planning Department;
16. That a smoke detector be placed in each sleeping room utilized for a rental cabin;
17. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of any rental cabin so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
18. That the maximum number of people staying at any rental cabin comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That prior to operation, the outhouse be either filled and rendered inoperable or removed from the property;
21. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
22. That the Recreation Vehicle Park must comply with PCZO §306;

23. That setbacks for all structures shall be a minimum of 25 feet from exterior lot lines;
24. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
25. That this Planned Unit Development be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

**Moved by Johnson and seconded by Lewis to approve of Major Planned Unit Development Amendment / PU 22-02 with the following twenty-six (26) conditions:**

- 1. That the approved uses are limited to 20 full service RV sites; 5 cabins to be constructed within the existing 20' x 80' building; and a caretaker/manager residence to include an office building;**
- 2. That prior to operation, the applicant obtains approved Building Permits for the removal of the 2 mobile homes and 1 carport;**
- 3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;**
- 5. That all natural drainage paths be continually maintained;**
- 6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;**
- 7. That the assigned address (23849 Highway 385) be properly and continually posted on the "office" in accordance with Pennington County's Ordinance #20;**
- 8. That each of the five rental cabins be clearly marked with a unique cabin number and that the assigned address of the property (23849 Highway 385) be posted in each guest room utilized as a rental cabin;**
- 9. That each RV parking spot be marked with a unique spot number clearly visible from the driveway;**

10. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
11. That each site has its own designated fire pit ring and fires will only be allowed within the designated fire pit ring provided by the campground. There will be a sign installed at the office which will indicate if fires are permitted that day. Fire hydrants will be located throughout the campground with attached hoses for fire purposes/suppression only and the hydrant will be located within 75 feet of each fire pit ring;
12. That a minimum of 7 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
13. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in § 310 of the Pennington County Zoning Ordinance;
14. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
15. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16A;
16. That prior to operation, any cabin rental within the Planned Unit Development have all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue and that these permits be provided to the Planning Department;
17. That a smoke detector be placed in each sleeping room utilized for a rental cabin;
18. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of any rental cabin so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
19. That the maximum number of people staying at any rental cabin comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
20. That the applicants comply with South Dakota Codified Law 34-18;
21. That prior to operation, the outhouse be either filled and rendered inoperable or removed from the property;

22. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
23. That the Recreation Vehicle Park must comply with PCZO §306;
24. That setbacks for all structures shall be a minimum of 25 feet from exterior lot lines;
25. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
26. That this Planned Unit Development be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

12. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-04: John and Tracy Wiebe. To allow a Planned Unit Development Overlay to allow a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 2 of Tract A in NE1/2 and Tract 0061, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence.

Staff recommended approval of Planned Unit Development Overlay / PU 22-04 with the following twenty-five (25) conditions:

1. That the approved uses of the Specialty Resort include: a caretaker residence, 3 tents for luxury camping, 1 luxury tree house, and a communal bathroom/shower house;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;

4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
6. That all assigned addresses be properly and continually posted on the caretaker residence in accordance with Pennington County's Ordinance #20;
7. That prior to operation, each tent and tree house spot be marked with a unique spot number clearly visible from the driveway;
8. That prior to operation, the applicant obtains County Emergency Services approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
9. That prior to operation, the applicant obtains County Highway approval for the existing approach as well as approval for a second approach to be utilized as an escape route;
10. That each of the tents and the treehouse be clearly marked with a unique number and that the assigned address of the property (24174 S Rockerville Road) be posted in each guest room utilized as an overnight rental;
11. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
12. That prior to operation, the applicant provides a minimum of 6 on-site parking spaces for the requested uses, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
13. That quiet hours of the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That uses within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
16. That a smoke detector be placed in each room utilized for overnight guests, with a minimum of at least 1 smoke detector per floor;
17. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;

18. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level each tent or tree house so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
19. That the maximum number of people staying at the Specialty Resort adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
20. That the applicants comply with South Dakota Codified Law 34-18;
21. That prior to operation, all on-site wastewater treatment systems (OSWTS) require proper permitting and review by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
22. That setbacks for all structures shall comply with those required in an Agriculture District;
23. That the caretaker residence not be utilized as a Bed and Breakfast or Vacation Home Rental;
24. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
25. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Commissioner Lewis left the meeting at 11:54 a.m.

Commissioner Lewis returned to the meeting at 11:56 a.m.

Discussion continued.

**Moved by Coleman and seconded by McGregor to approve of Planned Unit Development Overlay / PU 22-04 with the following twenty-six (26) conditions:**

- 1. That the approved uses of the Specialty Resort include: a caretaker residence, 3 tents for luxury camping, 1 luxury tree house, and a communal bathroom/shower house;**
- 2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**

3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
6. That all assigned addresses be properly and continually posted on the caretaker residence in accordance with Pennington County's Ordinance #20;
7. That prior to operation, each tent and tree house spot be marked with a unique spot number clearly visible from the driveway;
8. That prior to operation, the applicant obtains County Emergency Services approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
9. That prior to operation, the applicant obtains County Highway approval for the existing approach as well as approval for a second approach to be utilized as an escape route;
10. That each of the tents and the treehouse be clearly marked with a unique number and that the assigned address of the property (24174 S Rockerville Road) be posted in each guest room utilized as an overnight rental;
11. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
12. That prior to operation, the applicant provides a minimum of 6 on-site parking spaces for the requested uses, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
13. That quiet hours of the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That uses within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
16. That a smoke detector be placed in each room utilized for overnight guests, with a minimum of at least 1 smoke detector per floor;
17. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

18. 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;
19. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level each tent or tree house so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
20. That the maximum number of people staying at the Specialty Resort adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
21. That the applicants comply with South Dakota Codified Law 34-18;
22. That prior to operation, all on-site wastewater treatment systems (OSWTS) require proper permitting and review by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
23. That setbacks for all structures shall comply with those required in an Agriculture District;
24. That the caretaker residence not be utilized as a Bed and Breakfast or Vacation Home Rental;
25. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
26. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

**All voting, the Motion carried 5 to 1. Commissioner Johnson voted no.**

Commissioner Hadcock left the meeting at 12:00 p.m.

13. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-05: River Country Limited Partnership; Angela Lytle. To allow a Planned Unit Development Overlay to allow a Recreational Resort to allow Recreational Vehicles, a wedding venue, a Bed and Breakfast, and outdoor recreational activities in accordance with Section 216 of the Pennington County Zoning Ordinance.

W1/2W1/2 of Section 36, T2N, R14E; GL 5-7; E330 ft of GL 8 of Section 35, T2N, R14E; GL 5-6; E1/2NE1/4; GL 7-8; NE1/4SE1/4 of Section 26, T2N, R14E; ALL LESS



ROW of Section 25, T2N, R14E; ALL LESS ROW of Section 24, T2N, R14E; E1/2NE1/4; GL 5-8 of Section 23, T2N, R14E; GL 5-6; SE1/4SE1/4 of Section 14, T2N, R14E; GL 4-5; S1/2SW1/4; NW1/4SE1/4; S1/2SE1/4 of Section 13, T2N, R14E; GL 1-3 of Section 31, T2N, R15E; SE1/4NW1/4, SE1/4SW1/4, Lot 1-4 of Section 30, T2N, R15E; GL 2-4 of Section 19, T2N, R15E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow Recreational Vehicles, a wedding venue, a Bed and Breakfast, and outdoor recreational activities.

Staff recommended to continue Planned Unit Development Overlay / PU 22-05 to the March 28, 2022 Planning Commission meeting, per the applicant's request.

Discussion followed.

**Moved by Lewis and seconded by McGregor to continue Planned Unit Development Overlay / PU 22-05 to the March 28, 2022 Planning Commission meeting, per the applicant's request.**

**All voting aye, the Motion carried 5 to 0.**

14. ORDINANCE AMENDMENT / OA 22-02: Pennington County. To amend Section 103 - Definitions and Section 303 – Multiple-Family Dwellings of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is to amend Sections 103 and 303 of the Zoning Ordinance. Staff had originally recommended approval, but are now recommending to continue to the April 11, 2022, Planning Commission meeting in order for the request to be advertised separately.

**Moved by McGregor and seconded by Johnson to continue Ordinance Amendment / OA 22-02 to the April 11, 2022, Planning Commission meeting.**

**All voting aye, the Motion carried 5 to 0.**

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 14<sup>th</sup> meeting. The below items were continued to the March 15<sup>th</sup> Board of Commissioner's meeting:

Ordinance Amendment 21-22: To add Section 330 – Efficiency Dwellings.

Ordinance Amendment 21-23: To amend Section 205-A Agriculture District to add Efficiency Dwellings.

Ordinance Amendment 21-24: To amend Section 210-A Urban Residential District to add Efficiency Dwellings.

Ordinance Amendment 21-25: To amend the Subdivision Regulations.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. Section 319 – Vacation Home Rental. To reestablish the VHR Committee. Molitor discussed reestablishing the Vacation Home Rental Committee.
- B. Building Permit Report. Molitor reviewed the Building Permit Report for February 2022.

18. ITEMS FROM THE MEMBERSHIP

Chairman Marsh spoke of wells, water rights, and water uses on properties.  
Chairman Johnson discussed new application requests.

19. ADJOURNMENT

**Moved by Lewis and seconded by Johnson to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 12:20 p.m.**

---

Rich Marsh, Chairperson