

**MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION**

**April 11, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Mikal Lewis, Karen McGregor, and Ron Rossknecht.

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

ROLL CALL

1. APPROVAL OF THE MARCH 28, 2022, MINUTES  
**Moved by Rossknecht and seconded by Lewis to approve the Minutes of the March 28, 2022, Planning Commission meeting. Vote: unanimous 4 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Rossknecht and seconded by McGregor to approve the Agenda of the April 11, 2022, Planning Commission meeting. Vote: unanimous 4 to 0.**

**Moved by Lewis and seconded by McGregor to approve the Consent Agenda of the April 11, 2022, Planning Commission meeting. Vote: unanimous 4 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 05-23:** Glen Lakner. To review a cemetery with two (2) burial plots in a Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Government Lot 2, Section 3, T1S, R14E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 05-23 with the following three (3) conditions:**

1. **That any portion of the cemetery remains a minimum of 25 feet from any property line;**
2. **That a fence be placed around the outside of the cemetery once the cemetery is in use; and,**

3. That this Conditional Use Permit be reviewed in 5 years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 4 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 08-27:** Soderquist Family Ranch LTD Partners. To review a single-wide mobile home in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All less Right-of-Way, Wasta Township No. 2, Section 19, T1N, R14E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 08-27 with the following six (6) conditions.**

1. That the address continues to be properly posted on both the structure and the approach off of Base Line Road in accordance with Pennington County's Ordinance #20;
2. That the property continues to remain free of debris and junk vehicles;
3. That all natural drainage paths are continually maintained;
4. 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;
5. That a Floodplain Development Permit be submitted for review and approval prior to any work or placement of any structure within the boundaries of the Special Flood Hazard Area; and,
6. That this Conditional Use Permit be reviewed on a complaint basis or as deemed necessary by the Board of Commissioners or the Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous 4 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 21-56:** Alex and Holly Niemann, ANH Enterprises, Inc. To review the rental of 36 UTVs (6 back-ups) and 6 slingshots to include a washing area, parking area, and 36-40 employees in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

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

**To approve the extension of Conditional Use Permit / CU 21-56 with the following twenty-two (22) conditions:**

1. That the permitted use continues to be limited to the rental of 48 vehicles, to include 36 primary UTVs, 6 reserve UTVs, and 6 Slingshot roadsters;

2. That all assigned addresses continue to be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
3. That access to the site continue to be only from the approved South Dakota Department of Transportation (SDDOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;
4. That at least 88 off-street parking spaces continue to be designated, to include 48 off-street parking spaces for UTVs and Slingshots, 20 off-street parking spaces for customers and 20 additional parking spaces for employees, per Pennington County Zoning Ordinance (PCZO) § 310;
5. That all UTVs and Slingshots continue to be parked on paved or gravel surfaces;
6. That any On-site Wastewater Treatment System comply with PCZO and SD Department of Agriculture and Natural Resources requirements (SD DANR);
7. That the days of operation for the rentals continue to be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 7 a.m. and 7 p.m. only;
8. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
9. That the UTVs continue to be thoroughly cleaned after use, to prevent the spread of invasive weeds;
10. That a designated equipment wash area, to include water traps, continue to be utilized to ensure no runoff is allowed to exit the subject property or enter into any waters of the state;
11. That any solid waste accumulated from washing operations continue to be disposed of properly;
12. That any used chemicals accumulated from vehicle maintenance continue to be disposed of properly;
13. That a portable fire extinguisher with a minimum 2A:10B:C rating continue to be placed in each structure supporting the UTV rental or maintenance so it is accessible at all times;
14. That fueling operations for the UTVs and Slingshots continue to occur off-site;

15. That vehicle maintenance be performed within a designated structure and that no junk or parts be allowed to accumulate on the subject property, so as to create a nuisance;
16. That all lighting continues to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
17. That all U.S. Forest Service comments continue to be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
18. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a sales tax license from the South Dakota Department of Revenue;
19. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;
20. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
21. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
22. 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.

**Vote: unanimous 4 to 0.**

6. **MINOR PLAT / MPL 22-09:** Michael and Joslyn Sullivan. To subdivide and create Tracts 4A and 4B, A Subdivision of Tract Four (4) of Schacher Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 4, Schacher Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 4A and Tract 4B, A Subdivision of Tract Four (4) of Schacher Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / MPL 22-09 with the following eight (8) conditions:**

1. That Approach Permits for the existing access will need to be filed with the County Highway Department as well as the approach for Tract 4B;

2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
4. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
5. That the applicant ensures all natural drainage ways are maintained and not blocked;
6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
7. 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,
8. That the applicant ensures all natural drainage ways are maintained and not blocked.

**Vote: unanimous 4 to 0.**

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

7. CONDITIONAL USE PERMIT / CU 22-09: David and Mary Grover. To live in a pole barn/shop building while building a single-family residence on the subject property in a Ranchette District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot B, Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to live in a pole barn/shop building while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-09 with the following eight (8) conditions:

1. 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;
2. That the address is clearly posted on the shop with living quarters and future single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);
4. That a Building Permit application for the proposed living quarters in the shop be applied for within six months of approval of Conditional Use Permit / CU 22-09;
5. That the minimum setback requirements of a Ranchette District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That the living quarters be removed or a Conditional Use Permit be obtained once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
7. That the subject property remains free of debris and junk vehicles; and,
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 Rossknecht and seconded by Lewis to approve of Conditional Use Permit / CU 22-09 with the following eight (8) conditions:**

- 1. 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;**
- 2. That the address is clearly posted on the shop with living quarters and future single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);**
- 4. That a Building Permit application for the proposed living quarters in the shop be applied for within six months of approval of Conditional Use Permit / CU 22-09;**

5. **That the minimum setback requirements of a Ranchette District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
6. **That the living quarters be removed or a Conditional Use Permit be obtained once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
7. **That the subject property remains free of debris and junk vehicles; and,**
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 4 to 0.**

8. CONDITIONAL USE PERMIT / CU 22-11: Justin Kistler. To live in the existing double-wide mobile home while building 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.

Tract 2, Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in the existing double-wide mobile home while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-11 with the following conditions:

1. 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;
2. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);
4. That a Building Permit application for the proposed single-family residence be applied for within six months of approval of Conditional Use Permit / CU 22-11;
5. That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;

6. That the applicant obtain a Removal Permit for the double-wide mobile home and double-wide mobile home be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
7. That the subject property remains free of debris and junk vehicles; and,
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 Lewis and seconded by Rossknecht to approve of Conditional Use Permit / CU 22-11 with the following eight (8) conditions:**

- 1. 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;**
- 2. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);**
- 4. That a Building Permit application for the proposed single-family residence be applied for within six months of approval of Conditional Use Permit / CU 22-11;**
- 5. That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
- 6. That the applicant obtain a Removal Permit for the double-wide mobile home and double-wide mobile home be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
- 7. That the subject property remains free of debris and junk vehicles; and,**
- 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 4 to 0.**



9. CONDITIONAL USE PERMIT / CU 22-12: Alisha and Peter Kolb. To allow a detached garage to be used as a Guest House on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract 27, Clear Creek Tracts, 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 detached garage to be used as a Guest House on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-12 with the following ten (10) conditions:

1. That within 60 days of approval of Conditional Use Permit / CU 22-12, the applicants record a deed restriction with the Register of Deeds stating that a Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. That the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence or a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary residence be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318-B-13;
6. That the on-site wastewater treatment system be in compliance with PCZO Section 204(J);
7. That an address be assigned to the Guest House and the addresses assigned to the primary residence and the Guest House be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
8. That the Guest House be utilized and maintained in accordance with all requirements of the PCZO § 318;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,

10. 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 Rossknecht and seconded by Lewis to approve of Conditional Use Permit / CU 22-12 with the following eleven (11) conditions:**

1. That within 60 days of approval of Conditional Use Permit / CU 22-12, the applicants record a deed restriction with the Register of Deeds stating that a Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. That the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence or a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary residence be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318-B-13;
6. That the on-site wastewater treatment system be in compliance with PCZO Section 204(J);
7. That an address be assigned to the Guest House and the addresses assigned to the primary residence and the Guest House be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
8. That the Guest House be utilized and maintained in accordance with all requirements of the PCZO § 318;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
10. That all public water, sewer, electricity, and natural gas for the Guest House shall be extended from the primary dwelling unit's services, unless rerequired by the utility service provider and the Pennington County Environmental Planner; and,

11. **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 4 to 0.**

10. CONDITIONAL USE PERMIT / CU 22-10: Children's House Montessori / Michelle Kagarmanov. To allow a school on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A Less Seger Dr., Freeland Subdivision, Section 19, T2N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a school to be utilized on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-10 with the following sixteen (16) conditions:

1. That the permitted use allows an existing single-family residence to be utilized as a school;
2. That all-natural drainage paths be continually maintained;
3. That an address be assigned and posted on the school so it is clearly visible, in accordance with Pennington County Ordinance #20;
4. That if more than one structure is utilized for the school, separate physical addresses must be assigned;
5. That prior to operation, the applicants receive an approved Approach Permit from County Highway;
6. That prior to operation, building design plans, supporting the change of occupancy from residential to educational, be submitted to the South Dakota Department of Health and the State Fire Marshal for review and comment;
7. That the occupancy of the school be limited to 60 students and 4 teachers, or less based on building plan review comments from the State Fire Marshal;
8. That a minimum of 19 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
9. That all On-site Wastewater Treatment Systems require permitting and approval by the Pennington County Planning Department, City of Rapid City, and the South Dakota Department of Agriculture and Natural Resources to verify compliance with PCZO § 204-J and South Dakota Administrative Rules 74:53:01;

10. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
11. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
12. That prior to operation, the applicant creates an Emergency Plan to evacuate students, teachers, and guests from the property. The Emergency Plan must be posted inside the structure at all times and a copy of said plan shall be submitted to the Planning Department;
13. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, as applicable;
14. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
15. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

Discussion followed.

**Moved by Rossknecht and seconded by Lewis to approve of Conditional Use Permit / CU 22-10 with the following sixteen (16) conditions:**

- 1. That the permitted use allows an existing single-family residence to be utilized as a school;**
- 2. That all-natural drainage paths be continually maintained;**
- 3. That an address be assigned and posted on the school so it is clearly visible, in accordance with Pennington County Ordinance #20;**
- 4. That if more than one structure is utilized for the school, separate physical addresses must be assigned;**
- 5. That prior to operation, the applicants receive an approved Approach Permit from County Highway;**

6. That prior to operation, building design plans, supporting the change of occupancy from residential to educational, be submitted to the South Dakota Department of Health and the State Fire Marshal for review and comment;
7. That the occupancy of the school be limited to 60 students and 4 teachers, or less based on building plan review comments from the State Fire Marshal;
8. That a minimum of 19 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
9. That all On-site Wastewater Treatment Systems require permitting and approval by the Pennington County Planning Department, City of Rapid City, and the South Dakota Department of Agriculture and Natural Resources to verify compliance with PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
10. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
11. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
12. That prior to operation, the applicant creates an Emergency Plan to evacuate students, teachers, and guests from the property. The Emergency Plan must be posted inside the structure at all times and a copy of said plan shall be submitted to the Planning Department;
13. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, as applicable;
14. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
15. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

All voting aye, the Motion carried 4 to 0.

11. COMPREHENSIVE PLAN AMENDMENT / CA 22-03: Tiffany Wolla. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Engesser Subdivision No. 2, Section 35, T2N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District to Ranchette District.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-03.

Discussion followed.

**Moved by McGregor and seconded by Lewis to approve of Comprehensive Plan Amendment / CA 22-03.**

**All voting aye, the Motion carried 4 to 0.**

12. REZONE / RZ 22-03: Tiffany Wolla. To rezone 5.03 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Engesser Subdivision No. 2, Section 35, T2N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 5.03 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 22-03.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve of Rezone / RZ 22-03.**

**All voting aye, the Motion carried 4 to 0.**

Comissioner Rossknecht left the meeting at 9:43 a.m.

Comissioner Rossknecht returned to the meeting at 9:44 a.m.

13. CONDITIONAL USE PERMIT / CU 22-13: Paul and Kristie Skorseth. To live in a pole barn/shop building while building 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.

E1/2NE1/4 Less ROW, Section 29, T2N, R13E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a pole barn/shop building while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-13 with the following nine (9) conditions:

1. 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;
2. That the address is clearly posted on the shop with living quarters and future single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters) once the residence is complete;
4. That the minimum setback requirements of a Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the living quarters be removed or a Conditional Use Permit be obtained once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
6. That at the time of a Building Permit, the address for the new residence be taken off of 227<sup>th</sup> Street;
7. That when the new house is complete, the applicants obtain a removal permit to remove the living quarters from the shop;
8. That the subject property remains free of debris and junk vehicles; and,
9. 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 McGregor and seconded by Lewis to approve of Conditional Use Permit / CU 22-13 with the following nine (9) conditions:**

- 1. 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;**

2. **That the address is clearly posted on the shop with living quarters and future single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;**
3. **That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters) once the residence is complete;**
4. **That the minimum setback requirements of a Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
5. **That the living quarters be removed or a Conditional Use Permit be obtained once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
6. **That at the time of a Building Permit, the address for the new residence be taken off of 227<sup>th</sup> Street;**
7. **That when the new house is complete, the applicants obtain a removal permit to remove the living quarters from the shop;**
8. **That the subject property remains free of debris and junk vehicles; and,**
9. **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 4 to 0.**

14. PRELIMINARY PLAT / PPL 22-11: ELS Properties LLC; Rick Schulke. To subdivide and create Lots 3A, 3B, 3C, 3D, and 3E of Battle Creek Mountain Estates Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3 and Lot A3 of Lot 3, Less Lot H1 of Lot 3 (Also in Section 17, 19), Battle Creek Mountain Estates, Sections 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3A, Lot 3B, Lot 3C, Lot 3D, and Lot 3E, 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 Preliminary Plat to subdivide and create Lots Lots 3A, 3B, 3C, 3D, and 3E of Battle Creek Mountain Estates Subdivision.

Staff recommended approval of Preliminary Plat / PPL 22-11 with the following six (6) conditions:



1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to Final 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 requirements that are not met;
3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That prior to Final Plat submittal, the applicant obtains approval of a Road name to name the private access easement;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

**Moved by Rossknecht and seconded by McGregor to approve of Preliminary Plat / PPL 22-11 with the following six (6) conditions:**

- 1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That prior to Final 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 requirements that are not met;**
- 3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
- 4. That prior to Final Plat submittal, the applicant obtains approval of a Road name to name the private access easement;**
- 5. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,**
- 6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

**All voting aye, the Motion carried 4 to 0.**

15. COMPREHENSIVE PLAN AMENDMENT / CA 22-05: Black Hills Tiny Resort, LLC (Joleen Zoller); KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District and Highway Service District to Highway Service District in accordance with Sections 205, 212, and 508 of the Pennington County Zoning Ordinance.

Lot 1, BHTR Subdivision, Section 3, T1S, R7E, 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 Agriculture District and Highway Service District to Highway Service District.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-05.

Discussion followed.

**Moved by Rossknect and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 22-05.**

**All voting aye, the Motion carried 4 to 0.**

16. REZONE / RZ 22-05: Black Hills Tiny Resort, LLC (Joleen Zoller); KTM Design Solutions - Agent. To rezone 13.79 acres from Agriculture District and Highway Service District to Highway Service District in accordance with Sections 205, 212, and 508 of the Pennington County Zoning Ordinance.

Lot 1, BHTR Subdivision, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 13.79 acres from Agriculture District and Highway Service District to Highway Service District.

Staff recommended approval of Rezone / RZ 22-05.

Discussion followed.

**Moved by Rossknect and seconded by Lewis to approve of Rezone / RZ 22-05.**

**All voting aye, the Motion carried 4 to 0.**

17. COMPREHENSIVE PLAN AMENDMENT / CA 22-04: Black Hills Industrial Center, LLC; KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Heavy Industrial District in accordance with Sections 208, 214, and 508 of the Pennington County Zoning Ordinance.

All of the SE1/4, Section 29, T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended denial of Comprehensive Plan Amendment / CA 22-04.

Discussion followed.

**Moved by Rossknecht and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 22-04.**

**Moved by Rossknecht and seconded by McGregor to vote by Roll Call. Commissioners Rossknecht, McGregor, and Johnson voted yes. Commissioner Lewis voted no.**

**All voting, the Motion to approve failed 3 to 1.**

18. REZONE / RZ 22-04: Black Hills Industrial Center, LLC; KTM Design Solutions - Agent. To rezone 162 acres from Agriculture District to Heavy Industrial District in accordance with Sections 205, 214, and 508 of the Pennington County Zoning Ordinance.

All of the SE1/4, Section 29, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 162 acres from Agriculture District to Heavy Industrial District.

Staff recommended denial of Rezone / RZ 22-04.

Discussion followed.

**Moved by Rossknecht and seconded by McGregor to approve of Rezone / RZ 22-04.**

**Moved by Rossknecht and seconded by McGregor to vote by Roll Call. Commissioners Rossknecht, McGregor, and Johnson voted yes. Commissioner Lewis voted no.**

**All voting, the Motion to approve failed 3 to 1.**

19. ORDINANCE AMENDMENT / OA 22-03: Pennington County. To amend Section 103 “Definitions” [to amend and supersede the existing Section 103 “Definitions”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating the applicant has applied for an Ordinance Amendment to amend Section 103 – Definitions.

Staff recommended approval of Ordinance Amendment / OA 22-03.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve of Ordinance Amendment / OA 22-03.**

**All voting aye, the Motion carried 4 to 0.**

20. ORDINANCE AMENDMENT / OA 22-02: Pennington County. To amend Section 303 “Multiple-Family Dwellings” [to amend and supersede the existing Section 303 “Multiple-Family Dwellings”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating the applicant has applied for an Ordinance Amendment to amend Section 303 – Multiple-Family Dwellings.

Staff recommended approval of Ordinance Amendment / OA 22-02.

Discussion followed.

**Moved by McGregor and seconded by Lewis to approve Ordinance Amendment / OA 22-02.**

**All voting aye, the Motion carried 4 to 0.**

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 14<sup>th</sup> and March 28<sup>th</sup> meetings.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for March 2022.

B. Planning Commission Appointments. Molitor stated two individuals have been recommended for appointment to the Planning Commission.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson discussed the submission of Ordinance Amendments.

25. ADJOURNMENT

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

**All voting aye, the Motion carried 4 to 0.**

**The meeting adjourned at 11:08 a.m.**

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Rich Marsh, Chairperson