

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 23, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Jim Coleman, Mikal Lewis, Kevin Kuehn, and Gary Drewes.

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

ROLL CALL

1. APPROVAL OF THE MAY 9, 2022, MINUTES
Moved by Johnson and seconded by Drewes to approve the Minutes of the May 9, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.
2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by McGregor to approve the Agenda of the May 23, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Kuehn and seconded by McGregor to approve the Consent Agenda of the May 23, 2022, Planning Commission meeting, with the removal of Item #4. Vote: unanimous 7 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 18-01:** Ron Weifenbach. To review seasonal retail sales of Class C fireworks in a Commercial District in accordance with Section 211 and 510 of the Pennington County Zoning Ordinance.

All, Block 8, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

1. **That the proposed use be limited to seasonal retail sales of Class C fireworks;**
2. **That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28th to January 1st of each year from the hours of 7 a.m. to 12 a.m.;**

3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of 1 port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtains all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,
10. That this Conditional Use Permit be reviewed at the second Planning Commission meeting in May of 2023 to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 21-18:** Lowell Kolb. To review a temporary campground/assembly of people on the subject property during the month of July in an Agriculture District in accordance with Sections 205, 314, and 510 of the Pennington County Zoning Ordinance.

SW1/4NE1/4 Less E200 feet of N947 feet of E1/2SW1/4NE1/4 and Less S373 feet of SE1/4SW1/4NE1/4, Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-18 with sixteen (16) conditions:

1. That the temporary campground/assembly of people only operates for a total of four days in the month of July;

2. That the temporary campground/assembly of people be operational from 4 p.m. Friday to Noon on Tuesday,
3. That the property be kept free of trash and debris during the temporary camp;
4. That quiet hours be from 10 p.m. to 7 a.m.;
5. That the camp operates the 3rd weekend of July,
6. That the maximum total occupancy of the temporary campground be limited to 75 persons;
7. That the camp be limited to 8 RVs and 8 tent sites;
8. The the Onsite Waste Water Treatment System is pumped prior to the start of the camp and on the second or third day of the camp as determined by the Department of Agriculture and Natural Resources;
9. That one port-a-pottie be placed on the property for the duration of the camp;
10. That a minimum of one fire extinguisher with a minimum rating of 4A; 60BC (#10) fire extinguisher be accessible to all guests at all times;
11. That a minimum of one first aid kit be accessible to the public at all times;
12. That the temporary camp abides by all state and federal fire regulations;
13. That parking be adhered to as depicted in the site plan submitted by the applicant;
14. That at least one operational phone be accessible to all campers;
15. That the camp continually complies with Section 314 of the Pennington County Zoning Ordinance; and,
16. That this Conditional Use Permit be reviewed in May 2023, or on a complaint basis.

Vote: unanimous 7 to 0.

6. **MINOR PLAT / MPL 22-22:** Larry and Nancy Van Overschelde. To reconfigure lot lines to create Lot 10R and Lot 11R of Bears Den Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 22-22 with the following seven (7) conditions:

- 1. 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;**
- 2. That prior to filing the mylar at Register of Deeds, the applicant obtain approval for 20 lots on a dead-end road system,**
- 3. 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;**
- 4. That prior to the mylar being filed at Register of Deeds, an Approach Permit be obtained for the existing approach;**
- 5. That prior to the mylar being filed at Register of Deeds, an approved Variance for two approaches on Lot 10 must be obtained;**
- 6. That the applicant ensures all-natural drainage ways are maintained and are not blocked; and,**
- 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.**

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

4. CONDITIONAL USE PERMIT REVIEW / CU 18-14: All American Sales; Doug Bellingner - Agent. To review seasonal retail sales of Class C Fireworks in a Heavy Industrial District in accordance with Section 214 and 510 of the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 Less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 18-14 with the following thirteen (13) conditions:

1. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
2. That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, be posted in accordance with Pennington County Ordinance #20;
3. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
4. That the sale of fireworks be limited to June 1st to July 5th of each year and from the hours of 7 a.m. to 12 a.m.;
5. That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
6. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;
7. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
8. That no parking be along the frontage road;
9. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with section 312 of the Pennington County Zoning Ordinance (PCZO);
10. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
11. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present;
12. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year; and,
13. That this Conditional Use Permit be reviewed no later than the second Planning Commission meeting in May of 2023 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 Johnson and seconded by Coleman to approve of the extension of Conditional Use Permit / CU 18-14 with the following thirteen (13) conditions:

1. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
2. That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, be posted in accordance with Pennington County Ordinance #20;
3. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
4. That the sale of fireworks be limited from May 1st to June 26th each year for Special Retail Fireworks from the hours of 7 a.m. to 12 a.m. and from June 27th to July 5th each year for Retail Fireworks from the hours of 7 a.m. to 12 a.m.;
5. That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
6. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;
7. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
8. That no parking be along the frontage road;
9. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with section 312 of the Pennington County Zoning Ordinance (PCZO);
10. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
11. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present;
12. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year; and,

13. That this Conditional Use Permit be reviewed no later than the second Planning Commission meeting in May of 2023 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 7 to 0.

7. CONDITIONAL USE PERMIT / CU 22-15: Dawn and Troy Richter. To allow a grain bin to be used as a primitive cabin rental on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4, NE1/4NW1/4, Section 8, T1S, R17E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a grain bin to be used as a primitive cabin rental.

Staff recommended approval of Conditional Use Permit / CU 22-15 with the following seventeen (17) conditions:

1. 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;
2. That daily operations be conducted by owners, on-site manager, and local contact as necessary;
3. That all-natural drainage paths be continually maintained;
4. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
5. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
6. 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;
7. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310; That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
8. That the grain bin cabin rental obtains 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 prior to operation;
9. That a smoke detector be placed in each sleeping room utilized for a the grain bin cabin rental, with a minimum of at least 1 smoke detector per floor;

10. 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;
11. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a grain bin cabin rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
12. That the maximum number of people staying at any grain bin cabin rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
13. That the applicants comply with South Dakota Codified Law 34-18;
14. 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;
15. That if there is an onsite fire pit, the applicant obtains the proper Permits and provide the guests with the information to check daily fire conditions;
16. That the applicant improves the access road to Ordinance #14 Standards or obtain waivers prior to operation; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Lewis to remove Conditions #10 and #15 and to add a Condition stating that no outside fires are allowed.

All voting aye, the Motion carried 7 to 0.

Discussion further followed.

Moved by Kuehn and seconded by Marsh to approve of Conditional Use Permit / CU 22-15, with the removal of Conditions #10 and #15 and to add a Condition stating that no outside fires and fire pits allowed on the subject property, with sixteen (16) conditions.

Discussion continued.

SUBSTITUTE MOTION: Moved by Drewes and seconded by McGregor to continue Conditional Use Permit / CU 22-15 to the June 13, 2022, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT / CU 22-16: Dawn and Troy Richter. To allow a Recreational Vehicle park on the subject property in an Agriculture District in accordance with Sections 205, 306, and 510 of the Pennington County Zoning Ordinance.

NE1/4, NE1/4NW1/4, Section 8, T1S, R17E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Recreational Vehicle park on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-16 with the following seventeen (17) conditions:

1. That the Recreational Vehicle (RV) Park shall consist of no more than 5 RV sites;
2. That the RV park only be operated after the approved OSWTS has been installed;
3. That all RVs dispose of waste through the approved OSWTS;
4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);
5. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 14;
6. That each RV site has a lot number clearly posted;
7. That a minimum 10-foot separation be maintained between each RV site;
8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;
9. That the minimum setback requirements in an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That the minimum 58-foot Section Line setback be maintained on the property;
11. That an approved Approach Permit be obtained from the County Highway Department prior to operation of the RV park;
12. That the applicant improves the access road to Ordinance #14 Standards or obtain waivers prior to operation;
13. 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;
14. That the subject property remains free of debris and junk vehicles;

15. That the applicant adheres to PCZO § 510;
16. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
17. That this Conditional Use Permit be reviewed in 1 (year), on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Coleman to continue Conditional Use Permit / CU 22-16 to the June 13, 2022, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

9. CONDITIONAL USE PERMIT / CU 22-17: Provallone, LLC; Deanna and Michael Vallone. To allow a storage facility to include storage units and RV storage parking in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Tract A, Commerford Addition, Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a storage facility to include storage units and RV storage parking on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-17 with the following thirteen (13) 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 minimum setback requirements in a Highway Service District be maintained on the property;
3. That 6 storage buildings be allowed on the subject property. Any additional storage units would require an amendment to this Conditional Use Permit;
4. That a loading and unloading zone be provided for all storage units that runs along the units and must have 4 inches of gravel, concrete, or asphalt and maintained in a dust free manner;
5. That the business address be posted on the property and each unit clearly visible and maintained in accordance with Ordinance #20;

6. That any on-premise sign(s) shall be allowed with an approved Sign Permit;
7. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;
8. That the 58 foot setback for the Section Line be maintained by all structures excluding a fence which can be placed 33 feet from the center of the Section Line;
9. That any work encompassing over 1 acre will require the applicant to obtain an approved Storm Water Permit from the South Dakota Department of Agriculture and Natural Resources and the Pennington County Planning Department;
10. That any work encompassing over 10,000 square feet, the applicant obtain an approved Storm Water Permit from the Pennington County Planning Department;
11. That a drainage plan be submitted at the time of Building Permit application to verify no additional stormwater runoff will exit the property;
12. That the hours of operation for the storage units be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,
13. That this Conditional Use Permit be reviewed in 1 year, as deemed necessary by either the Board of Commissioners and/or Planning Commission and/or on a complaint basis to ensure that all conditions of approval are being met.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve of Conditional Use Permit / CU 22-17 with the following thirteen (13) 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 minimum setback requirements in a Highway Service District be maintained on the property;**
- 3. That 6 storage buildings be allowed on the subject property. Any additional storage units would require an amendment to this Conditional Use Permit;**
- 4. That a loading and unloading zone be provided for all storage units that runs along the units and must have 4 inches of gravel, concrete, or asphalt and maintained in a dust free manner;**
- 5. That the business address be posted on the property and each unit clearly visible and maintained in accordance with Ordinance #20;**
- 6. That any on-premise sign(s) shall be allowed with an approved Sign Permit;**

7. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;
8. That the 58 foot setback for the Section Line be maintained by all structures excluding a fence which can be placed 33 feet from the center of the Section Line;
9. That any work encompassing over 1 acre will require the applicant to obtain an approved Storm Water Permit from the South Dakota Department of Agriculture and Natural Resources and the Pennington County Planning Department;
10. That any work encompassing over 10,000 square feet, the applicant obtain an approved Storm Water Permit from the Pennington County Planning Department;
11. That a drainage plan be submitted at the time of Building Permit application to verify no additional stormwater runoff will exit the property;
12. That the hours of operation for the storage units be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,
13. That this Conditional Use Permit be reviewed in 1 year, as deemed necessary by either the Board of Commissioners and/or Planning Commission and/or on a complaint basis to ensure that all conditions of approval are being met.

All voting aye, the Motion carried 7 to 0.

10. CONDITIONAL USE PERMIT / CU 22-19: Steven and Janae Bell. To allow an accessory dwelling unit to be located in a garage on the subject property in an Agriculture District in accordance with Sections 205, 324, and 510 of the Pennington County Zoning Ordinance.

That Portion of Lot C of HES #201 lying in the NE1/4, in the E1/2NW1/4NW1/4SE1/4 and in the NE1/4NW1/4SE1/4 of HES #201, Section 12, T2S, R3E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an Accessory Dwelling Unit to be located in a garage on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-19 with the following eighteen (18) conditions:

1. That only one (1) Accessory Dwelling Unit (ADU) be allowed;
2. That the applicants obtain an approved Building Permit for the ADU;

3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;
4. That the ADU has a residential appearance and cannot be a Recreational Vehicle;
5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Medicine Mountain Road so they are clearly visible, in accordance with Pennington County Ordinance #20;
6. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
7. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
9. That the applicant obtain an approved Operating Permit for the current Onsite Wastewater Treatment System on the property prior to submittal of a Building Permit for the ADU;
10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
13. That at least 1 off-street parking space be provided for the ADU;
14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
15. That the applicants adhere to the attached comments from the U.S. Forest Service;
16. That prior to submittal of a Building Permit application, an access agreement on Balance of Lot C in HES #201 be filed at the Register of Deeds;
17. 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,

18. 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 Kuehn and seconded by McGregor to approve of Conditional Use Permit / CU 22-19 with the following eighteen (18) conditions:

- 1. That only one (1) Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the applicants obtain an approved Building Permit for the ADU;**
- 3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;**
- 4. That the ADU has a residential appearance and cannot be a Recreational Vehicle;**
- 5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Medicine Mountain Road so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 6. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);**
- 7. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;**
- 8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;**
- 9. That the applicant obtain an approved Operating Permit for the current Onsite Wastewater Treatment System on the property prior to submittal of a Building Permit for the ADU;**
- 10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;**
- 11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;**
- 12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;**
- 13. That at least 1 off-street parking space be provided for the ADU;**

14. **That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;**
15. **That the applicants adhere to the attached comments from the U.S. Forest Service;**
16. **That prior to submittal of a Building Permit application, an access agreement on Balance of Lot C in HES #201 be filed at the Register of Deeds;**
17. **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,**
18. **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 7 to 0.

11. CONDITIONAL USE PERMIT / CU 22-21: Carl and Nancy Hellekson. To allow an accessory structure, a garage, as a primary structure on the subject property in a Ranchette District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

Ransom reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an accessory structure, a garage, as a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-21 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for the garage, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the garage cannot be used for living quarters;
3. That an address be assigned for the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Mills Ranch Road;
4. That the applicant obtains an approved Approach Permit from Mills Ranch Road District;
5. That the minimum setback requirements for a Ranchette District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the property remains free of junk and debris;

7. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
9. 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 McGregor and seconded by Drewes to approve of Conditional Use Permit / CU 22-21 with the following nine (9) conditions:

- 1. That an approved Building Permit be obtained for the garage, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the garage cannot be used for living quarters;**
- 3. That an address be assigned for the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Mills Ranch Road;**
- 4. That the applicant obtains an approved Approach Permit from Mills Ranch Road District;**
- 5. That the minimum setback requirements for a Ranchette District be maintained on the property or the appropriate Variance(s) be obtained;**
- 6. That the property remains free of junk and debris;**
- 7. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
- 8. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,**
- 9. 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 7 to 0.

12. CONDITIONAL USE PERMIT / CU 22-18: A & B Cabins, LLC; Alyssa and Brian Boche. To allow a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot D of Lot 14, Clear Creek Placer MS 1184, Section 15, 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 Vacation Home Rental on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-18 with the following eighteen (18) conditions:

1. That prior to the Vacation Home Rental being rented, the applicants obtain a Removal Permit and remove living quarters from the existing cabin, which will be converted to storage;
2. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 12 people and the maximum daytime occupancy is limited to 24 people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) & 319(F)(13);
3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
4. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
7. That each review of Conditional Use Permit / CU 22-18, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
8. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
9. That the applicant maintains an Evacuation (Emergency) Plan, provides copies and educates all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency because Clarkson Road is a dead-end

road system and that a copy of said plan be kept on file at the Planning Department;

10. That a minimum of 5 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg);
11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
12. That the lot address (12727 N Prairie Creek Road) be posted on the residence at all times and at the driveway where it intersects N Prairie Creek Road, in accordance with Pennington County's Ordinance #20;
13. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed from Beth Paulson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. That this Conditional Use Permit be automatically ended upon the sale of the property unless the applicants comply with §319(C)(5) prior to the sale;
16. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
17. 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,
18. 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 Kuehn and seconded by Lewis to approve of Conditional Use Permit / CU 22-18, with amended language in Condition #9, with the following eighteen (18) conditions:

- 1. That prior to the Vacation Home Rental being rented, the applicants obtain a Removal Permit and remove living quarters from the existing cabin, which will be converted to storage;**

2. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 12 people and the maximum daytime occupancy is limited to 24 people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) & 319(F)(13);
3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
4. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
7. That each review of Conditional Use Permit / CU 22-18, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
8. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
9. That the applicants maintain an Evacuation (Emergency) Plan, and provide copies and educates all overnight guests in case there is a need to evacuate from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
10. That a minimum of 5 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg);
11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
12. That the lot address (12727 N Prairie Creek Road) be posted on the residence at all times and at the driveway where it intersects N Prairie Creek Road, in accordance with Pennington County's Ordinance #20;
13. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

14. That if the person designated as the Local Contact is ever changed from Beth Paulson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. That this Conditional Use Permit be automatically ended upon the sale of the property unless the applicants comply with §319(C)(5) prior to the sale;
16. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
17. 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,
18. 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 7 to 0.

13. CONDITIONAL USE PERMIT / CU 22-20: Shawn and Kelly Dahl. To allow a Recreational Vehicle to be lived in on the subject property less than 180 days in a calendar year in an Agriculture District in accordance with Sections 204-C, 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4, Section 20, T2N, R11E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Recreational Vehicle to be lived in less than 180 days in a calendar year on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-20 with the following twelve (12) conditions:

1. That only 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters;
2. That if there are other RVs on the property, they are only allowed to be stored on the property and not connected to any utilities or used as temporary living quarters;
3. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the property owner for personal use;

4. That prior to utilizing the RV as a temporary living quarters, an On-Site Wastewater Treatment System be installed and approved by the Pennington County Environmental Planner;
5. That within 30 days of approval, an approved Approach Permit be obtained from County Highway Department and provided to the Planning Department;
6. That within 30 days of the approval of this Conditional Use Permit, the applicants provide a site plan showing where the RV will be parked and its driveway;
7. That an assigned address be clearly posted on the RV while it is being utilized as temporary living quarters and clearly visible from both directions of travel along 226th Street, in accordance with Pennington County Ordinance #20;
8. That the minimum setback requirements of an Agriculture District be maintained on the subject property;
9. That the property remains free of debris and junk vehicles;
10. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director; and,
12. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Lewis to approve of Conditional Use Permit / CU 22-20, with amended language in Condition #6, with the following twelve (12) conditions:

- 1. That only 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters;**
- 2. That if there are other RVs on the property, they are only allowed to be stored on the property and not connected to any utilities or used as temporary living quarters;**
- 3. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the property owner for personal use;**
- 4. That prior to utilizing the RV as a temporary living quarters, an On-Site Wastewater Treatment System be installed and approved by the Pennington County Environmental Planner;**

5. That within 30 days of approval, an approved Approach Permit be obtained from County Highway Department and provided to the Planning Department;
6. That within 30 days of the approval of this Conditional Use Permit and prior to utilization of the site, the applicants provide a site plan showing where the RV will be parked and its driveway;
7. That an assigned address be clearly posted on the RV while it is being utilized as temporary living quarters and clearly visible from both directions of travel along 226th Street, in accordance with Pennington County Ordinance #20;
8. That the minimum setback requirements of an Agriculture District be maintained on the subject property;
9. That the property remains free of debris and junk vehicles;
10. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director; and,
12. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

14. CONDITIONAL USE PERMIT / CU 22-22: Josh Lundin. To allow a home occupation, a contracting business, on the subject property in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 9 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a home occupation, a contracting business, on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-22 with the following eleven (11) 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 contracting business shall be operated completely within the existing accessory structures located on the property;
3. That a Sign Permit be obtained for any on-premise sign;
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 complies with all applicable local, state, and federal laws;
7. That an address be assigned to the structure(s) being used for the business and the address(s) be properly posted on both the structure and at the approach so it is visible in both directions from Pioneer Drive in accordance with Pennington County's Ordinance #20;
8. 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;
9. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
10. That the home occupation shall be operated by a member of the family residing on the premises; and,
11. 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 Coleman and seconded by Lewis to approve of Conditional Use Permit / CU 22-22 with the following eleven (11) 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 contracting business shall be operated completely within the existing accessory structures located on the property;**
- 3. That a Sign Permit be obtained for any on-premise sign;**
- 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 complies with all applicable local, state, and federal laws;**
7. **That an address be assigned to the structure(s) being used for the business and the address(s) be properly posted on both the structure and at the approach so it is visible in both directions from Pioneer Drive in accordance with Pennington County's Ordinance #20;**
8. **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;**
9. **That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;**
10. **That the home occupation shall be operated by a member of the family residing on the premises; and,**
11. **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 7 to 0.

15. COMPREHENSIVE PLAN AMENDMENT / CA 22-12: Mary Dietrich; Howe Land Surveying - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Low Density Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Otho Subdivision, Section 15, T2S, R6E, 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 Ranchette District to Low Density Residential District.

Staff recommend to continue Comprehensive Plan Amendment / CA 22-12 to the June 13, 2022, Planning Commission meeting.

Discussion followed.

Moved by Coleman and seconded by McGregor to continue Comprehensive Plan Amendment / CA 22-12 to the June 13, 2022, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

16. REZONE / RZ 22-13: Mary Dietrich; Howe Land Surveying - Agent. To rezone 4.9 acres from Agriculture District to Low Density Residential District in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Otho Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 4.9 acres from Agriculture District to Low Density Residential District.

Staff recommend to continue Rezone / RZ 22-13 to the June 13, 2022, Planning Commission meeting.

Discussion followed.

Moved by Johnson and seconded by Lewis to continue Rezone / RZ 22-13 to the June 13, 2022, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

Commissioner Drewes left the meeting at 10:43 a.m.

Commissioner Drewes returned to the meeting at 10:45 a.m.

17. COMPREHENSIVE PLAN AMENDMENT / CA 22-10: Lowell Pflieger; D.C. Scott Surveyors - Agent. To amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Commercial District in accordance with Sections 208, 211, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the follow metes and bounds description: Being 1.10 acre of land in the NE1/4 NW1/4 of Section 23, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 1.10 acre of land being more particularly described by metes and bounds as follows, to-wit: COMMENCING, for location purposes only, at an iron rod with aluminum cap marking the Northwest corner of Lot 54 of Block 4 of Green Valley Estates, on the Western boundary of said Green Valley Estates and on the Southerly right-of-way line of Green Valley Drive, a 66-foot wide public street, as shown on plat filed in Plat Book 11, Page 190, in the office of the Pennington County Register of Deeds; Thence, North 54°36'50" West, along the Southerly right-of-way line of Green Valley Drive, a distance of 493.8 feet to an angle point in said right-of-way line; Thence, North 54°33'54" West, continuing along the Southerly right-of-way line of Green Valley Drive, a distance of 196.4 feet to the POINT OF BEGINNING of the herein described 1.10 acre of land; Thence, South 35°26'06" West, a distance of 160.0 feet to a point for corner; Thence, North 54°33'54" West, a distance of 300.0 feet to a point for corner; Thence, North 35°26'06" East, a distance of 160.0 feet to a point for corner on said Southerly right-of-way line of Green Valley Drive, from which a point of curvature in said right-of-way line bears North 54°33'54" West a distance of 500.4 feet; Thence, from said point for corner, South 54°33'54" East along said Southerly right-of-way line of Green Valley Drive, a distance of 300.00 feet to the POINT OF BEGINNING and containing 1.10 acre, more or less.

Sack reviewed the Staff Report indicating the applicants have applied for a Comprehensive Plan Amendment to change the Future Land Use from Low Density Residential District to Commercial District.

Staff recommended denial of Comprehensive Plan Amendment / CA 22-10.

Discussion followed.

Moved by Johnson and seconded by McGregor to deny without prejudice Comprehensive Plan Amendment / CA 22-10.

All voting aye, the Motion carried 7 to 0.

Commissioner Lewis left the meeting at 11:12 a.m.

18. REZONE / RZ 22-11: Lowell Pflieger; D.C. Scott Surveyors - Agent. To rezone 1.10 acres from Agriculture District to Commercial District in accordance with Sections 205, 211, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the follow metes and bounds description: Being 1.10 acre of land in the NE1/4 NW1/4 of Section 23, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 1.10 acre of land being more particularly described by metes and bounds as follows, to-wit: COMMENCING, for location purposes only, at an iron rod with aluminum cap marking the Northwest corner of Lot 54 of Block 4 of Green Valley Estates, on the Western boundary of said Green Valley Estates and on the Southerly right-of-way line of Green Valley Drive, a 66-foot wide public street, as shown on plat filed in Plat Book 11, Page 190, in the office of the Pennington County Register of Deeds; Thence, North 54°36'50" West, along the Southerly right-of-way line of Green Valley Drive, a distance of 493.8 feet to an angle point in said right-of-way line; Thence, North 54°33'54" West, continuing along the Southerly right-of-way line of Green Valley Drive, a distance of 196.4 feet to the POINT OF BEGINNING of the herein described 1.10 acre of land; Thence, South 35°26'06" West, a distance of 160.0 feet to a point for corner; Thence, North 54°33'54" West, a distance of 300.0 feet to a point for corner; Thence, North 35°26'06" East, a distance of 160.0 feet to a point for corner on said Southerly right-of-way line of Green Valley Drive, from which a point of curvature in said right-of-way line bears North 54°33'54" West a distance of 500.4 feet; Thence, from said point for corner, South 54°33'54" East along said Southerly right-of-way line of Green Valley Drive, a distance of 300.00 feet to the POINT OF BEGINNING and containing 1.10 acre, more or less.

Sack reviewed the Staff Report indicating the applicants have applied for a Rezone to 1.10 acres from Agriculture District to Commercial District.

Staff recommended denial of Rezone / RZ 22-11.

Discussion followed.

Moved by Drewes and seconded by McGregor to deny without prejudice Rezone / RZ 22-11.

All voting aye, the Motion carried 6 to 0.

Planning Commissioner Lewis returned to the meeting at 11:14 a.m.

The Planning Commission took a 10 minute recess.

The Planning Commission reconvened.

19. COMPREHENSIVE PLAN AMENDMENT / CA 22-09: Justin Kistler; 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.

Tract 2, Valley View Estates, Section 7, T1N, R9E, 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 Agriculture District to Rural Residential District.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 22-09.

All voting aye, the Motion carried 7 to 0.

20. REZONE / RZ 22-10: Justin Kistler; KTM Design Solutions - Agent. To rezone 9.6 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance

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

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 9.6 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 22-10.

Discussion followed.

Moved by Kuehn and seconded by McGregor to approve of Rezone / RZ 22-10

All voting aye, the Motion carried 7 to 0.

21. PRELIMINARY PLAT / PPL 22-20: Rockerville Gold Town, LLC; D.C. Scott Surveyors - Agent. To reconfigure lot lines to create Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That part of the SE1/4 SE1/4 of Section 14, T1S, R6E, BHM lying South of the U.S. Highway 16 Westbound R.O.W., Less Lot 1 thereof and less highway

R.O.W.; Common Lot B, Lots 6-15, Lot 17, and Tract B-1 and Tract B-2 all of Rockerville Ghost Town Subdivision, Section 13, T1S, R6E; and Lot A of Lot H-2 (aka Lot H2) in the SW1/4 SW1/4 of Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to reconfigure lot lines to create Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision.

Staff recommended approval of Preliminary Plan / PPL 22-20 with the following eleven (11) conditions:

1. That the Certifications on the plat be in accordance with § 1700 of the Pennington County Subdivision Regulations;
2. That drainage improvements be made to address post development storm water flows prior to issuance of any further Building Permits;
3. That prior to submittal of a Final Plat, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.);
4. That the signage for the development must include speed limits that reflect the designed speed of the roads, intersection control and other warning signs as necessary. All signage must meet the sign standards of the Pennington County Highway Department. All signs must be installed by the applicant or surety posted;
5. That the Plat be prepared by a Registered Land Surveyor;
6. That at the time of Final Plat submittal, the water system serving Rockerville Gold Town Planned Unit Development be approved by the South Dakota Department of Agriculture and Natural Resources (SD DANR);
7. That at the time of Final Plat submittal, the wastewater system serving Rockerville Gold Town Planned Unit Development be approved by the SD DANR;
8. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
9. That following the mylar being filed at Register of Deeds, the Planned Unit Development is reviewed to account for the new legal descriptions;
10. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,

11. That the roads within the development must be built to Ordinance 14 Standards.

Discussion followed.

Moved by Johnson and seconded by McGregor to approve of Preliminary Plan / PPL 22-20 with the following eleven (11) conditions:

1. That the Certifications on the plat be in accordance with § 1700 of the Pennington County Subdivision Regulations;
2. That drainage improvements be made to address post development storm water flows prior to issuance of any further Building Permits;
3. That prior to submittal of a Final Plat, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.);
4. That the signage for the development must include speed limits that reflect the designed speed of the roads, intersection control and other warning signs as necessary. All signage must meet the sign standards of the Pennington County Highway Department. All signs must be installed by the applicant or surety posted;
5. That the Plat be prepared by a Registered Land Surveyor;
6. That at the time of Final Plat submittal, the water system serving Rockerville Gold Town Planned Unit Development be approved by the South Dakota Department of Agriculture and Natural Resources (SD DANR);
7. That at the time of Final Plat submittal, the wastewater system serving Rockerville Gold Town Planned Unit Development be approved by the SD DANR;
8. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
9. That following the mylar being filed at Register of Deeds, the Planned Unit Development is reviewed to account for the new legal descriptions;
10. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
11. That the roads within the development must be built to Ordinance 14 Standards.

All voting aye, the Motion carried 7 to 0.

22. COMPREHENSIVE PLAN AMENDMENT / CA 22-11: Russell and Kimberly Johnson. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

The Balance of Government Lot 4, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 22-11.

Discussion followed.

Moved by Coleman and seconded by Kuehn to approve of Comprehensive Plan Amendment / CA 22-11.

All voting aye, the Motion carried 7 to 0.

23. REZONE / RZ 22-12: Russell and Kimberly Johnson. To rezone 10.47 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

The Balance of Government Lot 4 and that PT of Snowbird Lode MS #526 lying in NE1/4SW1/4 less Storm Hill Subdivision, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 10.47 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 22-12.

Discussion followed.

Moved by McGregor and seconded by Kuehn to approve of Rezone / RZ 22-12.

All voting aye, the Motion carried 7 to 0.

24. COMPREHENSIVE PLAN AMENDMENT / CA 22-13: Dale and Jillian Siemonsma. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Highway Service District in accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Beginning at NE Corner of the SW1/4 SW1/4 of Section 22, T1S, R6E, BHM, Pennington County, South Dakota, the Point of Beginning. Thence N1°49'52"E a distance of 75.88 feet to the south Right-of-Way line of Silver Mountain Road. Thence northeasterly along the south Right-of-Way

line of Silver Mountain Road along a curve concave to the south, with an arc distance of 535.18 feet, a radius of 1399.42 feet, a chord bearing of N78°19'00"E and chord distance of 531.92' to the end of the curve. Thence N89°16'21"E a distance of 13.58 feet along the south Right-of-Way line of Silver Mountain Road to a point. Thence S5°50'32"E a distance of 197.91 feet to the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line). Thence N88°38'49"W a distance of 557.21 feet along the north lot line of Lot 5 of Pankratz Subdivision to the Point of Beginning. Area of Metes and Bounds No. 1 = 1.942 Acres +/-; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 22-13.

Discussion followed.

Moved by Lewis and seconded by Johnson to approve of Comprehensive Plan Amendment / CA 22-13.

All voting aye, the Motion carried 7 to 0.

25. REZONE / RZ 22-14: Dale and Jillian Siemonsma. To rezone 1.942 acres from Agriculture District to Highway Service District in accordance with Sections 205, 212, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Beginning at NE Corner of the SW1/4 SW1/4 of Section 22, T1S, R6E, BHM, Pennington County, South Dakota, the Point of Beginning. Thence N1°49'52"E a distance of 75.88 feet to the south Right-of-Way line of Silver Mountain Road. Thence northeasterly along the south Right-of-Way line of Silver Mountain Road along a curve concave to the south, with an arc distance of 535.18 feet, a radius of 1399.42 feet, a chord bearing of N78°19'00"E and chord distance of 531.92' to the end of the curve. Thence N89°16'21"E a distance of 13.58 feet along the south Right-of-Way line of Silver Mountain Road to a point. Thence S5°50'32"E a distance of 197.91 feet to the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line). Thence N88°38'49"W a distance of 557.21 feet along the north lot line of Lot 5 of Pankratz Subdivision to the Point of Beginning. Area of Metes and Bounds No. 1 = 1.942 Acres +/-; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 1.942 acres from Agriculture District to Highway Service District.

Staff recommended approval of Rezone / RZ 22-14.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve of Rezone / RZ 22-14.

All voting aye, the Motion carried 7 to 0.

26. REZONE / RZ 22-15: Dale and Jillian Siemonsma. To rezone 2.099 acres from Highway Service District to Rural Residential District in accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

Beginning at NE Corner of Lot 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota, the Point of Beginning. Thence S1°43'17"W a distance of 278.69 feet along the east lot line of Lot 5 of Pankratz Subdivision to the north lot line of Lot 4 of Pankratz Subdivision. Thence northwesterly along the north lot line of Lot 4 of Pankratz Subdivision, along a curve concave to the south, with an arc distance of 418.66 feet, a radius of 2441.83 feet, a chord bearing of N74°13'25"W and chord distance of 418.15' to a point. Thence N5°50'32"W a distance of 175.92 feet to the north lot line of Lot 5 of Pankratz Subdivision. Thence S88°38'49"E a distance of 428.80 feet along the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line) to the Point of Beginning. Area of Metes and Bounds No. 2 = 2.099 Acres +/-; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 2.099 acres from Highway Service District to Rural Residential District.

Staff recommended approval of Rezone / RZ 22-15.

Discussion followed.

Moved by Kuehn and seconded by McGregor to approve of Rezone / RZ 22-15

All voting aye, the Motion carried 7 to 0.

27. REZONE / RZ 22-16: Dale and Jillian Siemonsma. To rezone 26.690 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Beginning at NE Corner of Lot 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, SD, the Point of Beginning. Thence N88°38'49"W a distance of 428.80 feet along the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line) to a point. Thence N5°50'32"W a distance of 197.91 feet to the south Right-of-Way line of Silver Mountain Road. Thence N89°16'21"E a distance of 380.26 feet along the south Right-of-Way line of Silver Mountain Road. Thence northeasterly along the south Right-of-Way line of Silver Mountain Road along a curve concave to the north, with an arc distance of 404.64 feet, a radius of 391.08 feet, a chord bearing of N59°37'52"E and chord distance of 386.83 feet to the end of the curve. Thence northeasterly along the south Right-of-Way line of Silver Mountain Road along a curve concave to the north, with an arc distance of 240.39 feet, a radius of 706.87 feet, a chord bearing of N20°19'04"E and chord distance of 239.29 feet to the west lot line of Lot 4 of Back Road Subdivision (a 1/4 line). Thence S1°48'36"W a distance of 640.22 feet along the west lot line of Lot 4 of Back Road Subdivision. Thence S88°37'27"E a distance of 1302.54 feet along the south lot lines of Lot 4 and Lot 3 of Back Road Subdivision to the NW corner of the SE1/4 SE1/4 of Section 22 (also the SE corner of Lot 3 of Back Road Subdivision). Thence S1°46'07"W a distance of 796.15 feet along the west line of the SE1/4 SE1/4 of Section 22 to the north Right-of-Way line of US Highway 16. Thence S83°23'40"W a

distance of 9.76 feet along the north Right-of-Way line of US Highway 16. Thence westerly along the north Right-of-Way line of US Highway 16, along a curve concave to the north, with an arc distance of 145.98 feet, a radius of 2191.83 feet, a chord bearing of N88°41'16"W and chord distance of 145.96 feet to a point. Thence westerly along the north Right-of-Way line of US Highway 16, along a curve concave to the north, with an arc distance of 253.90 feet, a radius of 2191.83 feet, a chord bearing of N83°27'40"W and chord distance of 253.76 feet to a point. Thence N66°03'12"W a distance of 795.28 feet along the north Right-of-Way line of US Highway 16 to a point. Thence N75°07'57"W a distance of 161.69 feet along the north Right-of-Way line of US Highway 16 to southeast corner of Lot 4 of Pankratz Subdivision. Thence N2°00'50"E a distance of 102.75 feet along the east lot line of Lot 4 of Pankratz Subdivision to the northeast corner of said Lot 4. Thence N88°33'20"W a distance of 328.70 feet along the north lot line of Lot 4 of Pankratz Subdivision to a point. Thence N1°59'31"E a distance of 50.35 feet along the east lot line of Lot 4 of Pankratz Subdivision to the southeast corner of Lot 5 of Pankratz Subdivision. Thence N1°43'17"E a distance of 278.69 feet along the east lot line of Lot 5 of Pankratz Subdivision to the Point of Beginning. Area of Metes and Bounds No. 3 = 26.690 Acres +/-; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 26.690 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 22-16.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Rezone / RZ 22-16.

All voting aye, the Motion carried 7 to 0.

28. PRELIMINARY PLAT / PPL 22-21: Dale and Jillian Siemonsma. To subdivide and create Lots 1, 2, 3, and 4 of Oak Draw Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SW1/4 Less Brockett Sub and Less ROW; NE1/4NE1/4 SE1/4SW1/4; SW1/4SE1/4 except the NE1/4NE1/4 SW1/4SE1/4 and Less HWY 16 ROW; NE1/4NE1/4 SW1/4SE1/4; and Lot 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, 3, and 4, Oak Draw Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to subdivide and create Lots 1, 2, 3, and 4 of Oak Draw Subdivision.

Staff recommended approval of Preliminary Plat / PPL 22-21 with the following nine (9) conditions:

1. That at the time of submittal of the Final 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;
2. That at the time of submittal for the Preliminary 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;
3. That at the time of submittal for the Final Plat, the access easement be labeled "Private access easement";
4. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;
5. That at the time of submittal for the Final Plat, the acreage size for Lot 2 be fixed;
6. That the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
7. That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment prior to filing the Final Plat at Register of Deeds;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Coleman and seconded McGregor to approve of Preliminary Plat / PPL 22-21 with the following nine (9) conditions:

- 1. That at the time of submittal of the Final 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;**
- 2. That at the time of submittal for the Preliminary 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;**
- 3. That at the time of submittal for the Final Plat, the access easement be labeled "Private access easement";**

4. **That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;**
5. **That at the time of submittal for the Final Plat, the acreage size for Lot 2 be fixed;**
6. **That the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;**
7. **That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment prior to filing the Final Plat at Register of Deeds;**
8. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
9. **That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 7 to 0.

29. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-07: David Woodhead. To amend the Sunset Ranch Planned Unit Development to allow a dirt bike track on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 17, Block 2, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

(Continued from the May 9, 2022, Planning Commission meeting.)

Molitor stated this Item was continued from the May 9, 2022, Planning Commission meeting.

Staff recommended denial of Minor Planned Unit Development Amendment / PU 22-07.

Discussion followed.

Moved by Drewes and seconded by Coleman to deny Minor Planned Unit Development Amendment / PU 22-07.

All voting aye, the Motion carried 7 to 0.

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

(Continued from the April 25, 2022, Planning Commission meeting.)

Sack reviewed the Staff Report indicating this is an Ordinance Amendment / OA 22-01 to add Section 321 Hard Rock Mining to the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-01.

Discussion followed.

Moved by Johnson and seconded by Lewis to continue Ordinance Amendment / OA 22-01 to the June 13, 2022, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

31. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 9th meeting with the exception of:

1. Planned Unit Development Overlay / PU 22-06: Katie Smirnova and Brett Walfish.
This item was continued to the June 10th Board meeting.

32. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

33. ITEMS FROM THE STAFF

There were no items from Staff.

34. ITEMS FROM THE MEMBERSHIP

Chairman Marsh discussed additional notice requirements regarding applications.

35. ADJOURNMENT

Moved by McGregor and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 1:34 p.m.

Rich Marsh, Chairperson