

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

County Commissioners' Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission, on certain items from this agenda, will be considered by the Board of Commissioners at their regular meeting on June 10, 2022, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

**If unable to attend the meeting, please submit your comments via e-mail to plz@penngo.org or by mail to the attention of the Pennington County Planning Department, 130 Kansas City St., Ste. 200, Rapid City, SD 57701, or, if appearing by teleconference, contact the Planning Department at 605-394-2186, twenty-four (24) hours prior to the scheduled meeting.

ROLL CALL

1. APPROVAL OF THE MAY 9, 2022, MINUTES
2. APPROVAL OF THE AGENDA

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 recommend approval of the extension of Conditional Use Permit / CU 18-01 with conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-14:** All American Sales; Doug Bellinger - 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.

To recommend approval of the extension of Conditional Use Permit / CU 18-14 with conditions.

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 recommend approval of the extension of Conditional Use Permit / CU 21-18 with conditions.

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 conditions.

END OF CONSENT AGENDA

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.)

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.)

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 BOC meeting.

32. ITEMS FROM THE PUBLIC

33. ITEMS FROM THE STAFF

34. ITEMS FROM THE MEMBERSHIP

35. ADJOURNMENT

ADA Compliance: Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.