

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
June 27, 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 Travis Lasseter.

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

ROLL CALL

1. APPROVAL OF THE JUNE 13, 2022, MINUTES  
**Moved by Johnson and seconded by McGregor to approve the Minutes of the June 13, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by McGregor and seconded by Coleman to approve the Agenda of the June 27, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Lewis and seconded by Kuehn to approve the Consent Agenda of the June 27, 2022, Planning Commission meeting. 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 21-04:** Cole or Renae Foster. To review living quarters above a garage to be used as a Bed and Breakfast on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance

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

**To approve the extension of Condition Use Permit / CU 21-04 with the following eighteen (18) conditions:**

1. **That the maximum overnight occupancy for the Bed and Breakfast and be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per an approval letter from South Dakota Department of Environmental and Natural Resources;**

2. That the applicants provide a combination of continental breakfast items (such as donuts, bagels and cream cheese, yogurt, muffins, fruit, juice, coffee, etc.) for guests at the Bed and Breakfast;
3. That the applicants advertise that a continental breakfast will be provided at the Bed and Breakfast;
4. That all applicable Federal, State, and local regulations be adhered to at all times;
5. That the applicants continually maintain all necessary permits from other governing bodies, including, but not limited to, current license with the South Dakota Department of Revenue (Sale Tax License) and the current registration from the South Dakota Department of Health (Bed and Breakfast) and that copies of these licenses be provided to the Planning Department upon request;
6. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
7. That a smoke detector be installed in each sleeping room with the minimum of at least one (1) smoke detector per floor;
8. That the applicants comply with SDCL 34-18-9.1 – 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicants continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be posted inside the Bed and Breakfast and be made available to the Planning Department upon request;
10. That quiet hours for the Bed and Breakfast be between 10:00 p.m. and 8:00 a.m.;
11. That the minimum of three (3) off-street parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
12. 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;
13. That an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;

14. That the minimum required setbacks of a Limited Agriculture District be continually maintained on the subject property or approved Setback Variance(s) be obtained;
15. That the addresses for each residence be continually posted on the Bed and Breakfast and the residence at all times, in accordance with Pennington County's Ordinance #20;
16. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
17. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 21-31:** Cynthia Van Vleck. To review living in a Recreational Vehicle while building a single-family residence on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Harney View Estates, Section 29, T1S, R5E, BHM, Pennington County, South Dakota.

**To end Condition Use Permit / CU 21-31 with the applicant's concurrence.**

**Vote: unanimous 7 to 0.**

5. **PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 08-10:** JKRK Properties / Ryan Kaski. To review the Sunset Ranch Planned Unit Development in accordance with Section 216 of the Pennington County Zoning Ordinance.

Block 1, Lots 1-17; Block 2, Lots 1-19; Block 3, Lots 1-16; Lots 1-10 of Block 7, Lots 1-16 of Block 8, and Lots 9-24 of Block 9 of Sunset Ranch Subdivision; W½ less Sunset Ranch, Less Tipton Properties Subdivision, and Less ROW; Sections 32, 33, 4 and 5, T1N and T2N, R10E, BHM, Pennington County, South Dakota

**To recommend approval of the extension of Planned Unit Development Amendment / PU 08-10 with the following twenty-two (22) conditions.**

1. The density of the Planned Unit Development shall not exceed 148 residential lots;

2. That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;
3. That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;
4. That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;
5. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;
6. The minimum lot size for the development shall five (5) acres;
7. That a minimum of eighty (80) acres is maintained as Common Area;
8. The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;
9. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
10. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;
11. That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;
12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;
13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;
14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;
15. That 229th Street is maintained according to Ordinance 14 Standards;

16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;
17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
18. That a Homeowner's Association be created for the maintenance of the road, community water system, and all use within the Common Areas;
19. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;
20. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property;
21. That this Planned Unit Development be reviewed upon a complaint basis only; and,
22. That this Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office.

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

6. ROAD NAMING: Diane Byram. To name a 40-foot-wide access easement providing access to property located in Sections 4 and 5, T1S, R8E, BHM, Pennington County, South Dakota, to Darnell Road.

Molitor reviewed the Staff Report indicating the applicant has applied for a Road Naming to name an access easement to Darnell Road.

Staff recommended approval of the Road Name of Darnell Road.

Discussion followed.

**Moved by Lasseter and seconded by Keuhn to approve of the Road Naming of Darnell Road.**

**All voting aye, the Motion carried 7 to 0.**

7. CONDITIONAL USE PERMIT AMENDMENT / CU 15-09: Reno Gulch, LLC; Darren Raines. To amend an existing Conditional Use Permit to add an additional storage facility to the subject property in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot B of Lot 4 (also in Section 36, T1S, R4E), Iowa Placer MS 636, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to amend an existing Conditional Use Permit to add an additional storage facility to the subject property.

Staff recommended approval of Conditional Use Permit Amendment / CU 15-09 with the following nine (9) conditions:

1. That upon issuance of an approved Building Permit, 1 new storage unit be allowed on the property, measuring 32' x 285';
2. That up to 10 permitted storage units be allowed on the property;
3. That the addition of accessory structures shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
4. That a caretaker's dwelling unit be allowed;
5. That three billboard signs and one business sign currently located on the property be allowed;
6. That the parking area for each storage unit be 30' x 105' surfaced with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
7. That the entrance road be a minimum of 20 feet in width with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
8. That the storage units be used exclusively for storage and not retail business activities; and,
9. That this Conditional Use Permit be reviewed on a complaint basis only.

Discussion followed.

**Moved by Lewis and seconded by Johnson to approve of Conditional Use Permit Amendment / CU 15-09 with the following nine (9) conditions:**

1. **That upon issuance of an approved Building Permit, 1 new storage unit be allowed on the property, measuring 32' x 285';**

2. That up to 10 permitted storage units be allowed on the property;
3. That the addition of accessory structures shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
4. That a caretaker's dwelling unit be allowed;
5. That three billboard signs and one business sign currently located on the property be allowed;
6. That the parking area for each storage unit be 30' x 105' surfaced with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
7. That the entrance road be a minimum of 20 feet in width with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
8. That the storage units be used exclusively for storage and not retail business activities; and,
9. That this Conditional Use Permit be reviewed on a complaint basis only.

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT / CU 22-29: Angelia and Ross Dale. To allow an accessory structure, a garage, as a primary structure on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

All Less Lot AR1, Less Glendale Subdivision and Less ROW, Iron Creek Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has 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 22-29 with the following seven (7) conditions:

1. That the garage not be used for living quarters;
2. That an address be assigned to the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Playhouse Road;
3. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;

4. That the property remains free of junk and debris;
5. 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;
6. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
7. 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 Johnson to approve of Conditional Use Permit / CU 22-29 with the following seven (7) conditions:**

- 1. That the garage not be used for living quarters;**
- 2. That an address be assigned to the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Playhouse Road;**
- 3. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
- 4. That the property remains free of junk and debris;**
- 5. 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;**
- 6. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,**
- 7. 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.**

9. COMPREHENSIVE PLAN AMENDMENT / CA 22-14: Dale Kjerstad; Davis Engineering - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Tract A Less Lot H-2 (Aka MS #433), Reder Placer MS 07905, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.



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

Staff recommended approval of Comprehensive Plan Amendment / CA 22-14.

Discussion followed.

**Moved by Kuehn and seconded by Lewis to approve of Comprehensive Plan Amendment / CA 22-14.**

**All voting aye, the Motion carried 7 to 0.**

10. REZONE / RZ 22-20: Dale Kjerstad; Davis Engineering - Agent. To rezone 7.19 acres from Agriculture District to Rural Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Tract A Less Lot H-2 (Aka MS #433), Reder Placer MS 07905, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 7.19 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 22-20.

Discussion followed.

**Moved by Johnson and seconded by McGregor to approve of Rezone / RZ 22-20.**

**All voting aye, the Motion carried 7 to 0.**

11. VACATION OF UTILITY AND MAJOR DRAINAGE EASEMENTS / VE 22-01: JKRK Properties, LLC; Ryan Kaski. To vacate 20 foot Utility and Major Drainage Easements in accordance with the Pennington County Zoning Ordinance.

Lots 10, 11, and Lots 14, 15, and 16, Block 9, Sunset Ranch Subdivision, Section 5, T1N, R10E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to vacate 20 foot Utility and Major Drainage Easements on the subject properties.

Staff recommended approval of Vacation of Easement / VE 22-01 with the following one (1) condition:

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.

Discussion followed.

**Moved by Lewis and seconded by Johnson to approve of Vacation of Easement / VE 22-01 with the following one (1) condition:**

- 1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.**

**All voting aye, the Motion carried 7 to 0.**

12. COMPREHENSIVE PLAN AMENDMENT / CA 22-15: No Bad Days Campground, LLC; Rob Livingston. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to Rural Residential District in accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

A tract of land being a portion of Tract Lake of the SW1/4SW1/4 of Sec. 27 and SE1/4 of Sec. 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: beginning at the W1/16 corner of Sections 27 and 34, said corner being a U.S.F.S. cap and being the true point of beginning of the herein described Tract, Thence N00°04'02"E a distance of 366.36' to a set pin and cap stamped "LS11918; thence N00°04'02"E a distance of 336.36' to a set pin and cap stamped "LS11918", said pin and cap being in the southerly right-of-way of Highway 44, and from which bears a SDDOT cap S00°04'02"W a distance of 28.41'; thence following said southerly right-of-way N85°01'22"W a distance of 299.74' to a set pin and cap stamped "LS11918; thence S84°11'25"W a distance of 154.88' to a found rebar; thence S83°43'37"W a distance of 101.45' to a set pin and cap stamped "LS11918; thence S76°03'37"W a distance of 101.45' to a found rebar; thence S66°36'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S63°36'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S54°54'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S50°24'26"W a distance of 82.78' to a set pin and cap stamped "LS11918; thence departing said southerly right-of-way S51°32'50"E a distance of 62.23' to a set pin and cap stamped "LS11918; thence S81°34'55"E a distance of 142.01' to a set pin and cap stamped "LS11918; thence S00°30'19"E a distance of 100.84' to a set pin and cap stamped "LS11918; thence N85°22'53"E a distance of 57.21' to a set pin and cap stamped "LS11918; thence N65°24'15"E a distance of 114.81' to a set pin and cap stamped "LS11918; thence S89°33'20"E a distance of 146.23' to a set pin and cap stamped "LS11918; thence S00°09'27"E a distance of 197.57' to a set pin and cap stamped "LS11918; thence S00°00'00"E a distance of 192.37' to a set pin and cap stamped "LS11918; thence S00°00'00"W a distance of 176.75' to a set pin and cap stamped "LS11918; thence S89°50'54"E a distance of 285.37' to the point of beginning; the herein described tract having an area of 9.83 acres more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 22-15.

Discussion followed.

**Moved by Coleman and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 22-15.**

**All voting aye, the Motion carried 7 to 0.**

- 13 REZONE / RZ 22-21: No Bad Days Campground, LLC; Rob Livingston. To rezone 9.83 acres from Highway Service District to Rural Residential District in accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land being a portion of Tract Lake of the SW1/4SW1/4 of Sec. 27 and SE1/4 of Sec. 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: beginning at the W1/16 corner of Sections 27 and 34, said corner being a U.S.F.S. cap and being the true point of beginning of the herein described Tract, Thence N00°04'02"E a distance of 366.36' to a set pin and cap stamped "LS11918; thence N00°04'02"E a distance of 336.36' to a set pin and cap stamped "LS11918", said pin and cap being in the southerly right-of-way of Highway 44, and from which bears a SDDOT cap S00°04'02"W a distance of 28.41'; thence following said southerly right-of-way N85°01'22"W a distance of 299.74' to a set pin and cap stamped "LS11918; thence S84°11'25"W a distance of 154.88' to a found rebar; thence S83°43'37"W a distance of 101.45' to a set pin and cap stamped "LS11918; thence S76°03'37"W a distance of 101.45' to a found rebar; thence S66°36'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S63°36'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S54°54'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S50°24'26"W a distance of 82.78' to a set pin and cap stamped "LS11918; thence departing said southerly right-of-way S51°32'50"E a distance of 62.23' to a set pin and cap stamped "LS11918; thence S81°34'55"E a distance of 142.01' to a set pin and cap stamped "LS11918; thence S00°30'19"E a distance of 100.84' to a set pin and cap stamped "LS11918; thence N85°22'53"E a distance of 57.21' to a set pin and cap stamped "LS11918; thence N65°24'15"E a distance of 114.81' to a set pin and cap stamped "LS11918; thence S89°33'20"E a distance of 146.23' to a set pin and cap stamped "LS11918; thence S00°09'27"E a distance of 197.57' to a set pin and cap stamped "LS11918; thence S00°00'00"E a distance of 192.37' to a set pin and cap stamped "LS11918; thence S00°00'00"W a distance of 176.75' to a set pin and cap stamped "LS11918; thence S89°50'54"E a distance of 285.37' to the point of beginning; the herein described tract having an area of 9.83 acres more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 9.83 acres from Highway Service District to Rural Residential District.

Staff recommended approval of Rezone / RZ 22-21.

Discussion followed.

**Moved by Coleman and seconded by Kuehn to approve of Rezone / RZ 22-21.**

**All voting aye, the Motion carried 7 to 0.**

14. PRELIMINARY PLAN / PPL 22-33: No Bad Days Campground, LLC; Rob Livingston. To subdivide and create Lots 1, 2, 3, and 4 and Utility Lot of No Bad Days Subdivision in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28 located in Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, 3, and 4 and Utility Lot of No Bad Days Subdivision, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to subdivide and create Lots 1, 2, 3, and 4 and Utility Lot of No Bad Days Subdivision

Staff recommended approval of Preliminary Plan / PPL 22-33 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 Final 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 “66-foot-wide 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 the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
6. That prior to filing the Plat at Register of Deeds, the applicant obtains Variances for the required setback for the telecommunication tower,
7. That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment for proposed Lots 2, 3, and 4 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.

Sack further stated that staff recommended adding two conditions to the Conditions of Approval to state: “That the access road be 24-feet-wide or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement and That the applicant constructs the road to 24-feet-wide or post surety prior to filing the mylar at the Register of Deeds.”

Discussion followed.

Moved by Johnson and seconded by Lewis to approve of Preliminary Plan / PPL 22-33 with eleven (11) conditions.

Discussion continued.

**SUBSTITUTE MOTION: Moved by Lasseter and seconded by Johnson to continue Preliminary Plan / PPL 22-33 to the July 11, 2022, Planning Commission meeting to address concerns of the Planning Commission.**

**All voting aye, the Motion carried 7 to 0.**

Sack asked the Planning Commission to reconsider and rehear Item 12 (Comprehensive Plan Amendment / CA 22-15) and Item 13 (Rezone / RZ 22-21) in relation to the applicant’s Preliminary Plan.

**Moved by Lasseter and seconded by Johnson to reconsider and rehear Item 12 (Comprehensive Plan Amendment / CA 22-15) and Item 13 (Rezone / RZ 22-21). All voting aye, the Motion carried 7 to 0.**

**Moved by Lasseter and seconded by McGregor to continue Comprehensive Plan Amendment / CA 22-15 to the July 11, 2022, Planning Commission meeting. All voting aye, the Motion carried 7 to 0.**

**Moved by McGregor and seconded by Lasseter to continue Rezone / RZ 22-21 to the July 11, 2022, Planning Commission meeting. All voting aye, the Motion carried 7 to 0.**

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from their June 13th meeting.

1. Planned Unit Development Overlay 22-06: Katie Smirnova and Brett Walfish was approved with conditions.
2. Ordinance Amendment 22-07: Pennington County. To amend the Subdivision Regulations was approved.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. The Planning Department thanked Chairman Rich Marsh for his service on the Planning Commission.

18. ITEMS FROM THE MEMBERSHIP

Commissioner McGregor spoke of the Board of Adjustment.

Chairman Marsh discussed the process for the Election of Officers at the July 11<sup>th</sup> meeting.

19. ADJOURNMENT

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

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 9:48 a.m.**

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Rich Marsh, Chairperson