

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
January 11, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Jim Coleman, Kathy Johnson, Sande Runde, Karen McGregor, and Travis Lasseter.

STAFF PRESENT: Brittney Molitor, Chutima Supboon, Cody Sack, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE DECEMBER 21, 2020, MINUTES  
**Moved by Runde and seconded by Lasseter to approve the Minutes of the December 21, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by K. Johnson and seconded by Runde to approve the Agenda of the January 11, 2021, Planning Commission meeting. Vote: unanimous 5 to 0.**

**Moved by K. Johnson and seconded by McGregor to approve the Consent Agenda of the January 11, 2021, Planning Commission meeting. Vote: unanimous 5 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 are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 99-37: Bob Young. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 99-37 for three (3) months.**

**Vote: unanimous 5 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 19-18:** Perry and Vicki Van Newkirk. To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 19-18 with the following fourteen (14) conditions:**

1. **That the Vacation Home Rental be allowed to have a maximum overnight occupancy, based on SD DENR approval, be limited to twelve (12) people and the maximum daytime occupancy be limited to twenty-four (24) people, per Pennington County Zoning Ordinance (PCZO) Sections 319(F)(1) and (13);**
2. **That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**
3. **That the applicant continually 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;**
4. **That the applicant continually maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
5. **That a minimum of four (4) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (PCZO) Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
6. **That an interior informational sign be continually posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4131 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental, as well as floodplain map per Section 319(G)(1)(n);**
7. **That the lot address (12283 Deerfield Road) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;**

8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from LeeAnn McDonald, 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;
10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
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 each review of Conditional Use Permit / CU 19-18, be subject to PCZO Section 511(F)(4), which imposes a \$100 fee per review; and,
14. 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.

**Vote: unanimous 5 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 19-36:** Black Hill Power; Kyle Young - Agent. To review an electrical utility substation on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Except That Tract of Land Located in the SE Corner Being 33.01 ft x 233 ft, Section 19, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 19-36 with the following (5) conditions:**

1. That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;

2. That continue to be posted in accordance with Pennington County Ordinance #20;
3. That reasonable steps be taken to reduce light and sound emissions from the facility;
4. That the installation of any additional electrical substations or associated equipment will require this permit to be reviewed; and,
5. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.

**Vote: unanimous 5 to 0.**

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

6. CONDITIONAL USE PERMIT / CU 20-30: Jay and Mary Smith. To allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205, 304, and 510 of the Pennington County Zoning Ordinance.

W1/2E1/2NW1/4NW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the December 21, 2020, Planning Commission meeting.)

Supboon stated this Item was continued from the December 21, 2020, Planning Commission meeting.

Staff recommended approval of Conditional Use Permit / CU 20-30 with the following eleven (11) conditions:

1. That an approved On-Site Wastewater Treatment System Construction Permit be obtained through the City of Rapid City prior to the installation of any On-Site Wastewater Treatment System and prior to applying for a Building Permit for the single-wide mobile home;
2. That an access easement document be created and recorded with the Register of Deeds showing legal access to the property prior to applying for a Building Permit for the single-wide mobile home;

3. That an approved Building Permit be obtained for the proposed single-wide mobile home prior to any construction or the placement of the single-wide mobile home, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the single-wide mobile home installed on the property has a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. That the address, 1435 225<sup>th</sup> Street, be posted on the structure and at the approach, so it is visible from both directions of travel along 225<sup>th</sup> Street in accordance with Pennington County Ordinance #20;
6. That the minimum setback requirements of a General Agriculture District be maintained on the property;
7. That the Section Line setback of fifty-eight (58) feet, on the north property line, be maintained;
8. That the applicant works with the County Natural Resources Director to control prairie dogs on the subject property;
9. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
10. That the subject property remains free of debris and junk vehicles; and,
11. 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 Lasseter and seconded by Runde to approve of Conditional Use Permit / CU 20-30 with the following eleven (11) conditions:**

- 1. That an approved On-Site Wastewater Treatment System Construction Permit be obtained through the City of Rapid City prior to the installation of any On-Site Wastewater Treatment System and prior to applying for a Building Permit for the single-wide mobile home;**
- 2. That an access easement document be created and recorded with the Register of Deeds showing legal access to the property prior to applying for a Building Permit for the single-wide mobile home;**
- 3. That an approved Building Permit be obtained for the proposed single-wide mobile home prior to any construction or the placement of the single-wide**

**mobile home, which requires a site plan to be reviewed and approved by the Planning Director;**

- 4. That the single-wide mobile home installed on the property has a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
- 5. That the address, 1435 225<sup>th</sup> Street, be posted on the structure and at the approach, so it is visible from both directions of travel along 225<sup>th</sup> Street in accordance with Pennington County Ordinance #20;**
- 6. That the minimum setback requirements of a General Agriculture District be maintained on the property;**
- 7. That the Section Line setback of fifty-eight (58) feet, on the north property line, be maintained;**
- 8. That the applicant works with the County Natural Resources Director to control prairie dogs on the subject property;**
- 9. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 10. That the subject property remains free of debris and junk vehicles; and,**
- 11. 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.**

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

7. MINOR PLAT / MPL 20-44: Brian and Summer Boock. To reconfigure lot lines to create Lots 12R and 13R of Block 12 of The Ranch at Black Gap in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 12, Lot 13, and Lot 14 of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 12R and Lot 13R of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicants have applied for a Minor Plat to reconfigure lot lines to create Lots 12R and 13R of Block 12 of The Ranch at Black Gap.

Staff recommended approval of Minor Plat / MPL 20-44 with the following six (6) conditions:

1. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
2. That prior to filing the Plat with the Register of Deeds, the Plat include the following note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location;
3. That prior to filing the Plat with the Register of Deeds, the Plat title be amended per Register of Deeds comments;
4. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;
5. That all-natural drainage ways are maintained and are not blocked; and,
6. That following platting of the proposed lots, 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.

Discussed followed.

**Moved by Runde and seconded by K. Johnson to approve of Minor Plat / MPL 20-44 with the following six (6) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
- 2. That prior to filing the Plat with the Register of Deeds, the Plat include the following note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location;**
- 3. That prior to filing the Plat with the Register of Deeds, the Plat title be amended per Register of Deeds comments;**

4. **That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;**
5. **That all-natural drainage ways are maintained and are not blocked; and,**
6. **That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

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

8. LAYOUT PLAN / LPL 20-45: David Spear; Fisk Land Surveying - Agent. To subdivide and create Lots 1 and 2 of Grindstone Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Lots 1 and 2, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Grindstone Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 1 and 2 of Grindstone Subdivision.

Staff recommended approval of Layout Plan / LPL 20-45 with the following ten (10) conditions:

1. That prior to Minor Plat submittal, the applicant obtain approved Approach Permits, from the County Highway Department, in order to take legal access off of Old Hill City Road.
2. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That prior to Minor Plat submittal, the applicant provide percolation tests and soil profile hole information for proposed Lot 1, or obtain an approved Subdivision Regulations Variance to waive these requirements;
4. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;



5. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;
7. That prior to the mylar being filed at Register of Deeds, the property owner obtain an approved Conditional Use Permit for the accessory structure on Proposed Lot 1;
8. That the applicant ensures all natural drainage ways are maintained and not blocked;
9. 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; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Theunissen further noted that staff would like to add a condition which states: “That at the time of Minor Plat submittal, the plat contain the dimensions for the dedicated right-of-way.”

Discussion followed.

**Moved by McGregor and seconded by K. Johnson to approve of Layout Plan / LPL 20-45 with the following eleven (11) conditions:**

- 1. That prior to Minor Plat submittal, the applicant obtain approved Approach Permits, from the County Highway Department, in order to take legal access off of Old Hill City Road.**
- 2. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 3. That prior to Minor Plat submittal, the applicant provide percolation tests and soil profile hole information for proposed Lot 1 or obtain an approved Subdivision Regulations Variance to waive these requirements;**
- 4. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an**

**approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**

- 5. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 6. That at the time of Minor Plat submittal, the plat contain the dimensions for the dedicated right-of-way;**
- 7. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;**
- 8. That prior to the mylar being filed at Register of Deeds, the property owner obtain an approved Conditional Use Permit for the accessory structure on Proposed Lot 1;**
- 9. That the applicant ensures all natural drainage ways are maintained and not blocked;**
- 10. 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; and,**
- 11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

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

9. REZONE / RZ 20-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-05: David Spear; Fisk Land Surveying – Agent. To rezone 12.8 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Ranchette Residential District to Rural Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Lot A of Lots 1 and 2, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 12.8 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Ranchette Residential District to Rural Residential District.

Discussion followed.

**Moved by Runde and seconded by McGregor to approve of Rezone / RZ 20-07. All voting aye, the Motion carried 5 to 0.**

**Moved by Runde and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 20-05. All voting aye, the Motion carried 5 to 0.**

10. COMPREHENSIVE PLAN AMENDMENT / CA 20-04: David Grover. To amend the Comprehensive Plan to change the Future Land Use from Low Density Residential / Rural Residential District and Agriculture District to Ranchette Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Tract B of HES #303 Less Tract Drew and GL Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew and Less ROW, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan.

Staff recommended to continue Comprehensive Plan Amendment / CA 20-04 to the March 8, 2021, Planning Commission meeting.

Discussion followed.

**Moved by Lasseter and seconded by K. Johnson to continue Comprehensive Plan Amendment / CA 20-04 to the March 8, 2021, Planning Commission meeting.**

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

11. REZONE / RZ 20-06: David Grover. To rezone 69.84 acres from General Agriculture District to Ranchette Residential District in accordance with Sections 205 and 508 of the Pennington County Zoning Ordinance.

Tract B of HES #303 Less Tract Drew; Tract A of HES #303 Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew, and Less ROW; and GL Less Buzmar Subdivision, Less Tract Dean, Less Tract Drew and Less ROW, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 69.84 acres from General Agriculture District to Ranchette Residential District.

Staff recommended to continue Rezone / RZ 20-06 to the March 8, 2021, Planning Commission meeting.

Discussion followed.

**Moved by Lasseter and seconded by Runde to continue Rezone / RZ 20-06 to the March 8, 2021, Planning Commission meeting.**

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

12. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 21, 2020, Planning Commission meeting.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the December 2020 Building Permit Report.

15. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

16. ADJOURNMENT

**Moved by Lasseter and seconded by K. Johnson to adjourn.**

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

**The meeting adjourned at 9:43 a.m.**

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Jim Coleman, Vice Chairperson