

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
June 28, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Kathy Johnson, Sande Runde, Jim Coleman and Gary Drewes.

STAFF PRESENT: Brittney Molitor, Chutima Supboon, Madisen Ransom, Cody Sack, Jason Theunissen, Megan Krueger (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JUNE 14, 2021, MINUTES  
Moved by C. Johnson and seconded by McGregor to approve the Minutes of the June 14, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA  
Moved by Drewes and seconded by K. Johnson to approve the Agenda of the June 28, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Coleman and seconded by Runde to approve the Consent Agenda of the June 28, 2021, 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 15-17: Charles Ray. To review a family cemetery on the subject property in an Agriculture District in accordance with Sections 205, 307, and 510 of the Pennington County Zoning Ordinance.

Ray Family Cemetery of Parcel E in S1/2NW1/4, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 15-17 with the following three (3) conditions:**

1. **That the cemetery continually conforms to all regulations in Section 307 of the Pennington County Zoning Ordinance;**

2. That the cemetery be for cremated remains only and the applicant continually complies with South Dakota Codified Law 34-27, which regulates Cemeteries and Burial Records; and,
3. 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 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-17:** SC Meridian, LLC / Larry Teuber. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 17-17.**

**Vote: unanimous 7 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 20-16:** Andrew Vig (Vig Ag Supply). To review the sale of Agriculture Equipment and Supplies in a Heavy Industrial District in accordance with Sections 212 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 approve the extension of Conditional Use Permit / CU 20-16 with the following seven (7) conditions.**

1. 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;
2. That the property remains free of debris and junk vehicles;
3. That the address (4750 S. I-90 Service Rd.) be continually posted on the warehouse so that it is visible from I-90 Service Road, in accordance with Pennington County's Ordinance #20;
4. That a minimum of 2 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;
5. 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;

6. That the hours of operation be from 8:00 a.m. to 5:30 p.m. or on an appointment basis; and,
7. That this Conditional Use Permit be reviewed 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.**

## **END OF CONSENT AGENDA**

6. CONDITIONAL USE PERMIT / CU 21-33: Craig and Wendy Mullins. To live in a Recreational Vehicle while building a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1R2 (also in Section 36, T2N, R6E), Block 1, Westberry Trails Subdivision, Section 31, T2N, R7E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a Recreational Vehicle while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-33 with the following thirteen (13) conditions:

1. That there be no more than 1 Recreational Vehicle (RV) is allowed to be utilized as temporary living quarters on the subject property;
2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
3. That the existing On-Site Wastewater Treatment System (OSWTS) be abandoned within 6 months of approval of this Conditional Use Permit and verified by Planning Staff;
4. That within 6 months of approval of this Conditional Use Permit, the applicant shall install a new OSWTS and have it inspected and approved by the City of Rapid City;
5. That until an OSWTS is approved and installed, the RV be pumped and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;

6. That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Westberry Court West, in accordance with Pennington County's Ordinance #20;
7. That the minimum setback requirements of a Suburban Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the minimum 58-foot Section Line be maintained on the property;
9. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
10. 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;
11. That the property remains free of debris and junk vehicles;
12. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
13. 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 K. Johnson and seconded by Drewes to approve of Conditional Use Permit / CU 21-33 with the following thirteen (13) conditions:**

- 1. That there be no more than 1 Recreational Vehicle (RV) is allowed to be utilized as temporary living quarters on the subject property;**
- 2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;**
- 3. That the existing On-Site Wastewater Treatment System (OSWTS) be abandoned within 6 months of approval of this Conditional Use Permit and verified by Planning Staff;**
- 4. That within 6 months of approval of this Conditional Use Permit, the applicant shall install a new OSWTS and have it inspected and approved by the City of Rapid City;**
- 5. That until an OSWTS is approved and installed, the RV be pumped and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;**

6. That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Westberry Court West, in accordance with Pennington County's Ordinance #20;
7. That the minimum setback requirements of a Suburban Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the minimum 58-foot Section Line be maintained on the property;
9. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
10. 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;
11. That the property remains free of debris and junk vehicles;
12. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
13. 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 7 to 0.

7. CONDITIONAL USE PERMIT / CU 21-34: William Brockett. 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.

Tract 6, Brockett Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 21-34 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);

2. 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;
3. That if any addition is constructed on the residence and/or the On-Site Wastewater Treatment System 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;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant 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;
6. That each review of Conditional Use Permit / CU 21-34, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. 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;
8. That the applicant 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;
9. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 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;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (23869 Brockett Lane) be posted on the residence at all times and at the driveway where it intersects Brockett Lane, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Kari-Ann Casper, 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;

14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. 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,
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 Runde and seconded by C. Johnson to approve of Conditional Use Permit / CU 21-34 with the following seventeen (17) conditions:**

- 1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. 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;**
- 3. That if any addition is constructed on the residence and/or the On-Site Wastewater Treatment System 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;**
- 4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 5. That the applicant 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;**
- 6. That each review of Conditional Use Permit / CU 21-34, be subject to PCZO § 511(P), which imposes a \$100 fee per review;**
- 7. 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;**

- 8. That the applicant 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;**
- 9. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 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;**
- 10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;**
- 11. That the lot address (23869 Brockett Lane) be posted on the residence at all times and at the driveway where it intersects Brockett Lane, in accordance with Pennington County's Ordinance #20;**
- 12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;**
- 13. That if the person designated as the Local Contact is ever changed from Kari-Ann Casper, 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;**
- 14. 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;**
- 15. That an approved Sign Permit be obtained prior to the placement of any sign(s);**
- 16. 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,**
- 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.**

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



8. CONDITIONAL USE PERMIT / CU 21-35: RMS Lode, LLC; Matt Keck. To allow a Recreational Vehicle Park on the subject property in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Ransem reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a Recreational Vehicle Park on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-35 with the following twenty (20) conditions:

1. That the Private Recreational Vehicle (RV) Park uses shall consist of 11 RVs from April 1<sup>st</sup> to October 31<sup>st</sup>, and no tent camping is allowed;
2. That the RV sites only be used by employees of RMS Lode, LLC;
3. That all RVs dispose of waste through an approved Waste Water Treatment System;
4. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Stenson Meadows Rd;
5. That the interior one-way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
6. That a minimum 10-foot separation be maintained at all times between each RV site;
7. That each RV has a lot number clearly posted;
8. That the RV Park conforms to all regulations in § 306 of the Pennington County Zoning Ordinance;
9. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Agriculture and Natural Resources and Health;
10. That any new On-site Wastewater systems be installed in accordance with all South Dakota Department of Agriculture and Natural Resources regulations;
11. That the existing On-Site Wastewater Treatment System that services Lot 1, 2, and 3 be pumped and inspected before July 30, 2021, in accordance with Pennington County Ordinance Section 204-J.
12. That the property remains free of debris and junk vehicles;

13. That the minimum setback requirements of a Highway Service District be maintain on the subject property, or approved Setback Variance(s) be obtained;
14. 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;
15. That an approved Approach Permit be obtained;
16. That the applicant maintains all-natural drainage and pathways;
17. That no parking be allowed within the road easement;
18. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Pennington County Zoning Ordinance Section 312;
19. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and
20. 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 C. Johnson and seconded by Drewes to approve of Conditional Use Permit / CU 21-35 with the following nineteen (19) conditions:**

- 1. That the Private Recreational Vehicle (RV) Park uses shall consist of 11 RVs from April 1<sup>st</sup> to October 31<sup>st</sup>, and no tent camping is allowed;**
- 2. That the RV sites only be used by employees of RMS Lode, LLC and/or its tenants;**
- 3. That all RVs dispose of waste through an approved Waste Water Treatment System;**
- 4. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Stenson Meadows Rd;**
- 5. That the interior one-way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;**
- 6. That a minimum 10-foot separation be maintained at all times between each RV site;**

7. That each RV has a lot number clearly posted;
8. That the RV Park conforms to all regulations in § 306 of the Pennington County Zoning Ordinance;
9. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Agriculture and Natural Resources and Health;
10. That any new On-site Wastewater systems be installed in accordance with all South Dakota Department of Agriculture and Natural Resources regulations;
11. That the property remains free of debris and junk vehicles;
12. That the minimum setback requirements of a Highway Service District be maintain on the subject property, or approved Setback Variance(s) be obtained;
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 an approved Approach Permit be obtained;
15. That the applicant maintains all-natural drainage and pathways;
16. That parking is allowed within the road easement in designated parking spots (per the site plan of June 28, 2021);
17. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Pennington County Zoning Ordinance Section 312;
18. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
19. 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 7 to 0.

9. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT/ PU 21-10: Rapid City MHP, LLC; Joseph Mailander-Agent. To amend the existing Planned Unit Development to allow for an additional six mobile home sites on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4NW1/4 Less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to amend the existing Planned Unit Development to allow for an additional six mobile home sites on the subject property.

Staff recommended approval of Major Planned Unit Development Amendment / PU 21-10 with the following twenty-one (21) conditions:

1. That the PUD has a maximum of 57 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes shall have a minimum 20-foot separation between units;
4. That decks and/or porches be allowed as accessory structures to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
7. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
9. Prior to the issuance of a Building Permit the existing On-Site Wastewater Treatment System be pumped and inspected and any repairs completed;
10. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
11. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
12. That the mobile home park be provided with an on-site management office;

13. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;
14. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
15. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Flood Plain Development Permit shall be obtained for any work within the 100-year floodplain;
16. That the storage units be used exclusively for storage and not retail business activities;
17. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
18. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
19. That a map be submitted to Rapid City's GIS Department showing the new addresses within the mobile home park;
20. That the first one hundred feet off of Sturgis Road be hard surfaced; and,
21. That this PUD be reviewed in six (6) months, on a complaint basis, or deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by K. Johnson and seconded by McGregor to approve of Major Planned Unit Development Amendment / PU 21-10 with the following twenty-one (21) conditions:**

- 1. That the PUD has a maximum of 57 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;**
- 2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);**
- 3. That the mobile homes shall have a minimum 20-foot separation between units;**

4. That decks and/or porches be allowed as accessory structures to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
7. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
9. Prior to the issuance of a Building Permit the existing On-Site Wastewater Treatment System be pumped and inspected and any repairs completed;
10. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
11. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
12. That the mobile home park be provided with an on-site management office;
13. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;
14. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
15. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Flood Plain Development Permit shall be obtained for any work within the 100-year floodplain;
16. That the storage units be used exclusively for storage and not retail business activities;

17. **That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;**
18. **That the Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;**
19. **That a map be submitted to Rapid City's GIS Department showing the new addresses within the mobile home park;**
20. **That the first one hundred feet off of Sturgis Road be hard surfaced; and,**
21. **That this PUD be reviewed in six (6) months, on a complaint basis, or deemed necessary 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.**

10. REZONE / RZ 21-04: Mike Cimino, Nicarly Properties, LLC. To rezone from Rural Residential District to Agriculture District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Blocks 2-5 in NE1/4SE1/4; that PT of Unplat PT of N1/2SE1/4 Lying E of CO RD #318 Less RR ROW, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Rezone / RZ 21-04.

Discussion followed.

**Moved by C. Johnson and seconded by Runde to approve of Rezone / RZ 21-04.**

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

11. COMPREHENSIVE PLAN AMENDMENT / CA 21-08: TDG Real Estate, LLC; Mike Gennaro. 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.

All of Glendale #1 Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Comprehensive Plan Amendment / CA 21-08 to the July 26, 2021, Planning Commission meeting.

Discussion followed.

**Moved by Coleman and seconded by Drewes to continue Comprehensive Plan Amendment / CA 21-08 to the July 26, 2021, Planning Commission meeting.**

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

12. REZONE / RZ 21-14: TDG Real Estate, LLC; Mike Gennaro. To rezone 8.79 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

All of Glendale #1 Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 8.79 acres from Agriculture District to Rural Residential District.

Staff recommended to continue Rezone / RZ 21-14 to the July 26, 2021, Planning Commission meeting.

Discussion followed.

**Moved by Runde and seconded by K. Johnson to continue Rezone / RZ 21-14 to the July 26, 2021, Planning Commission meeting.**

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

Commissioner K. Johnson stated she would be abstaining from voting on Items #13 and #14 and left the meeting at 9:52 a.m.

13. COMPREHENSIVE PLAN AMENDMENT / CA 21-10: Lyndon Bolt / GL Development Co. LLC. 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.

Hare Lippa Tract (aka Pt of Lot 1) of Section 3, T2S R5E, BHM; and Parcel 1 of Lot 4 Less Right-of-Way and Parcel 3 of Lot 3 Less Right-of-Way of Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 21-10.



Discussion followed.

**Moved by Drewes and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 21-10.**

**All voting aye, the Motion carried 6 to 0.**

14. REZONE / RZ 21-15: Lyndon Bolt / GL Development Co. LLC. To rezone to Rural Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Hare Lipka Tract (aka Pt of Lot 1) of Section 3, T2S R5E, BHM; and Parcel 1 of Lot 4 Less Right-of-Way and Parcel 3 of Lot 3 Less Right-of-Way of Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has for a Rezone to rezone to Rural Residential District.

Staff recommended approval of Rezone / RZ 21-15.

Discussion followed.

**Moved by C. Johnson and seconded by McGregor to approve of Rezone / RZ 21-15.**

**All voting aye, the Motion carried 6 to 0.**

Commissioner K. Johnson returned to the meeting at 9:56 a.m.

15. PRELIMINARY PLAT / PPL 21-39: Alvin and Lois Rudd. To subdivide and create Rudd Tract in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SE1/4SW1/4 and SE1/4NE1/4; That PT NE1/4NE1/4 Lying S and E of RR ROW; That PT SE1/4SW1/4 Lying S and E of RR ROW, Less SE1/4SE1/4SW1/4; 50 ft wide strip in W1/2NE1/4 Lying S and E of RR ROW; That PT NW1/4NE1/4 Lying S and E of RR ROW, Less Aforementioned 50 ft wide strip; That PT SW1/4NE1/4 Lying S and E of RR ROW, Less AF, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Rudd Tract, located in the S1/2 of Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to subdivide and create Rudd Tract.

Staff recommended approval of Preliminary Plat / PL 21-39 with the following six (6) conditions:

1. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That at the time of Final 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;
4. That prior to the mylar being filed at Register of Deeds, the Section Lines on proposed Rudd Tract be dedicated and improved or an approved Subdivision Regulations Variance be obtained, waiving any of the requirements that are not met;
5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
6. 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 C. Johnson and seconded by K. Johnson to approve of Preliminary Plat / PPL 21-39 with the following six (6) conditions:**

- 1. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 3. That at the time of Final 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;**
- 4. That prior to the mylar being filed at Register of Deeds, the Section Lines on proposed Rudd Tract be dedicated and improved or an approved Subdivision Regulations Variance be obtained, waiving any of the requirements that are not met;**

5. **That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
6. **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.**

16. LAYOUT PLAN / LPL 21-41: Sudbury Ranch Land Holding, LLC; Casey Skyberg. To subdivide and create Lots 2 through 11 of Sudbury Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 of Sudbury Ranch and S396 feet of NW1/4SE1/4; S1/2SE1/4, Section 21, T1S, R7E, BHM, Pennington County.

PROPOSED LEGAL: Lots 2 through 11 of Sudbury Ranch Subdivision, Section 21, T1S, R7E, BHM, Pennington County.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 2 through 11 of Sudbury Ranch Subdivision.

Staff recommended approval of Layout Plan / LPL 21-41 with the following twenty-one (21) conditions:

1. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
2. That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Agriculture and Natural Resources;
3. That at the time of submittal of the Preliminary Plat, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;
4. That at the time of the Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That at the time of Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, proposed Lot 2 be renamed (Lot 2R, Lot 2 Revised, etc.) per Register of Deeds comments contained in this report;
7. That at the time of Preliminary Plat submittal, the plat meets the requirements of § 400.2 of the Pennington County Subdivision Regulations, or an approved

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

8. That at the time of Preliminary Plat submittal, a Fire Mitigation Plan be developed and presented to the Pennington County Fire Coordinator for review, as required in § 500.8 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
9. That at the time of Preliminary Plat submittal, the applicant either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in § 400.2.2.e of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
10. That at the time of Preliminary Plat submittal, the applicant provide engineered road plans and construction plans to the Planning staff as required in § 400.2.2.q and § 400.2.2.s of the Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving these requirements;
11. That at the time of Preliminary 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;
12. That at the time of Preliminary Plat submittal, a drainage study be submitted to verify that post development flows do not exceed pre-development flows;
13. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement;
14. That prior to County Board approval of the Preliminary 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.);
15. That the signage for the subdivision 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;
16. That at the time of submittal of the Final Plat, the Road District is amended to include the new roads in the subdivision and a Resolution be approved by the Board of Commissioners for maintenance of roads within the Subdivision;

17. That prior to the mylar being filed at Register of Deeds, the Section Line Right-of-Ways must either be improved to Local Road standards or a Subdivision Regulations Variance obtained to waiving this requirement;
18. That prior to the mylar being filed at the Register of Deeds, the applicant obtains an approved Rezone and Comprehensive Plan Amendment for proposed Lot 3 or an approved Lot Size Variance be obtained waiving these requirements;
19. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
20. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
21. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Runde and C. Johnson to approve of Layout Plan / LPL 21-41 with the following twenty-one (21) conditions:**

- 1. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;**
- 2. That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Agriculture and Natural Resources;**
- 3. That at the time of submittal of the Preliminary Plat, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;**
- 4. That at the time of the Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 5. That at the time of Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 6. That at the time of Preliminary Plat submittal, proposed Lot 2 be renamed (Lot 2R, Lot 2 Revised, etc.) per Register of Deeds comments contained in this report;**
- 7. That at the time of Preliminary Plat submittal, the plat meets the requirements of § 400.2 of the Pennington County Subdivision Regulations,**

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

8. That at the time of Preliminary Plat submittal, a Fire Mitigation Plan be developed and presented to the Pennington County Fire Coordinator for review, as required in § 500.8 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
9. That at the time of Preliminary Plat submittal, the applicant either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in § 400.2.2.e of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
10. That at the time of Preliminary Plat submittal, the applicant provide engineered road plans and construction plans to the Planning staff as required in § 400.2.2.q and § 400.2.2.s of the Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving these requirements;
11. That at the time of Preliminary 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;
12. That at the time of Preliminary Plat submittal, a drainage study be submitted to verify that post development flows do not exceed pre-development flows;
13. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement;
14. That prior to County Board approval of the Preliminary 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.);
15. That the signage for the subdivision 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;
16. That at the time of submittal of the Final Plat, the Road District is amended to include the new roads in the subdivision and a Resolution be approved by

**the Board of Commissioners for maintenance of roads within the Subdivision;**

- 17. That prior to the mylar being filed at Register of Deeds, the Section Line Right-of-Ways must either be improved to Local Road standards or a Subdivision Regulations Variance obtained to waiving this requirement;**
- 18. That prior to the mylar being filed at the Register of Deeds, the applicant obtains an approved Rezone and Comprehensive Plan Amendment for proposed Lot 3 or an approved Lot Size Variance be obtained waiving these requirements;**
- 19. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;**
- 20. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 21. 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 7 to 0.**

Commissioner K. Johnson stated she would be abstaining from voting on Item #17 and left the meeting at 10:02 a.m.

17. CONDITIONAL USE PERMIT / CU 21-31: Cynthia Van Vleck. To live 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.

(Continued from June 14, 2021, Planning Commission meeting.)

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

Staff recommended approval of Conditional Use Permit / CU 21-31 with the following eleven (11) conditions:

1. That only one (1) camper allowed to be utilized as temporary living quarters;

2. That the address, 12536 Old Hill City Road, be properly posted in accordance with Pennington County Ordinance #20 so it is clearly visible from both directions of travel along N Rochford Road;
3. That the applicant submits monthly receipts from Hills Toilet Service to show that the port-a-pottie is being used and maintained;
4. That the applicant applies for a Building Permit for the residence prior to the next review;
5. That the camper not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
6. That the camper be removed when the residence is habitable, following which the camper only be allowed to be stored on the property and disconnected from utilities;
7. That the minimum setback requirements of a Rural Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. 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;
9. That the property remains free of debris and junk vehicles;
10. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
11. That this Conditional Use Permit be reviewed in six (6) months, 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 Drewes and seconded by C. Johnson to approve of Conditional Use Permit / CU 21-31 with the following eleven (11) conditions:**

- 1. That only one (1) camper allowed to be utilized as temporary living quarters;**
- 2. That the address, 12536 Old Hill City Road, be properly posted in accordance with Pennington County Ordinance #20 so it is clearly visible from both directions of travel along N Rochford Road;**
- 3. That the applicant submits monthly receipts from Hills Toilet Service to show that the port-a-pottie is being used and maintained;**
- 4. That the applicant applies for a Building Permit for the residence prior to the next review;**



5. That the camper not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
6. That the camper be removed when the residence is habitable, following which the camper only be allowed to be stored on the property and disconnected from utilities;
7. That the minimum setback requirements of a Rural Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. 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;
9. That the property remains free of debris and junk vehicles;
10. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
11. That this Conditional Use Permit be reviewed in six (6) months, 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, the Motion carried 5 to 1. Commissioner Runde voted no.**

Commissioner K. Johnson returned to the meeting at 10:11 a.m.

18. REZONE / RZ 21-16: Keith Lau. To rezone one (1) acre from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land containing one acre, more or less, situated in Lot 5 of Lau Subdivision, located in the South Half of the Northwest Quarter (S½NW¼) and in the West Half of the Northeast Quarter (W½NE¼) of Section 9, Township 1 North, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown on plat filed November 2, 2012, and recorded as Document No. A201217946, in the office of the Pennington County Register of Deeds; said one acre tract of land being more particularly described as follows, to-wit: BEGINNING at an iron rod with cap stamped "1019" at the Northwest corner of said Lot 5 being the Northwest corner of the herein described parcel; Thence, North 89° 46' 48" East along the North boundary line of Lot 5, a distance of 100.70 feet to a point from which an iron rod with cap stamped "4208" at an angle point in the North boundary line bears North 89° 46' 48" East a distance of 212.18 feet; Thence, South 04° 25' 24" East a distance of 430.41 feet to a point in the South boundary line of Lot 5 from which an iron rod at the Southeast corner of Lot 5 bears North 85° 55' 54" East a distance of 654.58 feet; Thence, South 85° 55' 54" West along the South boundary line of Lot 5, a

distance of 100.43 feet to an iron rod with cap stamped “1019” at the Southwest corner of Lot 5 being the Southwest corner of the herein described parcel; Thence, North 04° 25’ 24” West along the West boundary line of Lot 5, a distance of 437.17 feet to the POINT OF BEGINNING and containing 1.00 acre, more or less, of land; Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone one (1) acre from Rural Residential District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 21-16.

Discussion followed.

**Moved by Drewes and seconded by Runde to deny Rezone / RZ 21-16. All voting, the Motion carried 4 to 3. Commissioner C. Johnson, K. Johnson, Drewes voted yes. Commissioners Marsh, Coleman, and McGregor voted no.**

Commissioner Runde left the meeting at 10:28 a.m.

19. PRELIMINARY PLAT / PPL 21-38: Kathryn Policky. To subdivide and create Tracts 1 and 2 and Well Lot of Policky Subdivision in accordance Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B of E1/2SE1/4 Less Tract B-1, Section 9, T1N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Tracts 1 and 2 and Well Lot of Policky Subdivision, Section 9, T1N, R6E, BHM, Pennington County.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat subdivide and create Tracts 1 and 2 and Well Lot of Policky Subdivision.

Staff recommended approval of Preliminary Plat / PPL 21-38 with the following six (6) conditions:

1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That the applicant obtain approval of a Subdivision Regulation Variance for the Percolation test, profile hole, and Improvement of the Section Line Right-of-Way;
4. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;

5. That the applicant ensures all natural drainage ways are maintained a not blocked; and,
6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

**Moved by K. Johnson and seconded by McGregor to approve of Preliminary Plat / PPL 21-38 with the following six (6) conditions:**

1. **That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
2. **That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
3. **That the applicant obtain approval of a Subdivision Regulation Variance for the Percolation test, profile hole, and Improvement of the Section Line Right-of-Way;**
4. **That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
5. **That the applicant ensures all natural drainage ways are maintained a not blocked; and,**
6. **That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

**All voting aye, the Motion carried 6 to 0.**

20. COMPREHENSIVE PLAN AMENDMENT / CA 21-11: Thomas Berry. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 6 and 7, Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan to change the Future Land Use from Rural Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 21-11.

Discussion followed.

**Moved by Coleman and seconded by Drewes to approve of Comprehensive Plan Amendment / CA 21-11.**

**All voting aye, the Motion carried 6 to 0.**

21. REZONE / RZ 21-18: Thomas Berry. To rezone 2.35 acres from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 6 and 7, Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 2.35 acres from Rural Residential District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 21-18.

**Moved by C. Johnson and seconded by McGregor to approve of Rezone / RZ 21-18.**

**All voting aye, the Motion carried 6 to 0.**

22. MINOR PLAT / MPL 21-37: Thomas Berry. To reconfigure lot lines to create Lots 6R and 7R of Pine Meadow Subdivision in accordance Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 6 and Lot 7 of Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Lot 6R and Lot 7R of Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Plat to reconfigure lot lines to create Lots 6R and 7R of Pine Meadow Subdivision.

Staff recommended approval of Minor Plat / MPL 21-37 with the following eight (8) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations,

or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;

3. That the properties be Rezoned or a Lot size Variance be obtained prior to the Mylar being recorded at the Register of Deeds;
4. That Prior to Filing that Mylar at Register of Deeds, the applicant submits percolation test and soil profile information or obtain a Variance to waive this requirement;
5. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
6. That the applicant ensures all-natural drainage ways are maintained and not blocked;
7. That prior to filing the mylar with the Register of Deeds approval for a second approach be obtained, and,
8. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

**Moved by McGregor and seconded by C. Johnson to approve of Minor Plat / MPL 21-37 with the following eight (8) conditions:**

- 1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
- 3. That the properties be Rezoned or a Lot size Variance be obtained prior to the Mylar being recorded at the Register of Deeds;**
- 4. That Prior to Filing that Mylar at Register of Deeds, the applicant submits percolation test and soil profile information or obtain a Variance to waive this requirement;**
- 5. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**

6. **That the applicant ensures all-natural drainage ways are maintained and not blocked;**
7. **That prior to filing the mylar with the Register of Deeds approval for a second approach be obtained, and,**
8. **That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

**All voting aye, the Motion carried 6 to 0.**

23. COMPREHENSIVE PLAN AMENDMENT / CA 21-12: Prairie Acres General, LLC; Ty Pollman – Applicant. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Suburban Residential District in accordance with Sections 207, 209, and 508 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Suburban Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 21-12.

Discussion followed.

**Moved by Drewes and seconded by McGregor to approve of Comprehensive Plan Amendment / CA 21-12.**

**All voting aye, the Motion carried 6 to 0.**

24. REZONE / RZ 21-19: Prairie Acres General, LLC; Ty Pollman – Applicant. To rezone 40 acres from Agriculture District to Suburban Residential District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied to rezone 40 acres from Agriculture District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 21-19.

Discussion followed.

**Moved by K. Johnson and seconded by McGregor to approve of Rezone / RZ 21-19.**

**All voting aye, the Motion carried 6 to 0.**

25. MINING PERMIT/ MP 21-01: Pete Lien & Sons, Inc.; Cheyenne River Ranch, LLC – Owner. To expand the existing Creston Sand & Gravel Mine, to include mining operations for sand and gravel and reclamation activities, in accordance with Sections 205 and 320 of the Pennington County Zoning Ordinance.

GL 9-12; S1/2SW1/4; SW1/4SE1/4 of Section 1, T2S, R12E; GL 8-10; SE1/4SE1/4 LESS RTY of Section 2, T2S, R12E; GL 8-10 of Section 3, T2S, R12E; GL 1-2 of Section 11, T2S, R12E; N1/2 LESS RTY of Section 12, T2S, R12E; GL 7; GL 9-10; E1/2SW1/4; W1/2SE1/4 of Section 6, T2S, R13E; GL 4; S1/2SE1/4; SE1/4SW1/4 of Section 31, T1S, R13E; GL 1-7; S1/2NE1/4; SW1/4NW1/4 of Section 1, T2S, R12E; GL 1; NE1/4NW1/4; NW1/4NE1/4 of Section 7, T2S, R13E; N1/2NE1/4; GL 1-5; N1/2NW1/4 of Section 6, T2S, R13E; E1/2NE1/4, GL 3 LESS RTY of Section 11, T2S, R12E; NW1/4NE1/4, NW1/4 of Section 10, T2S, R12E; GLT 1-7; S1/2N1/2; NE1/4SW1/4; N1/2SE1/4; SE1/4SE1/4 LESS RTY of Section 3, T2S, R12E; GL 1-7; S1/2N1/2; SW1/4 LESS ROW; NW1/4SE1/4 LESS ROW of Section 2, T2S, R12E, all located in BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit to expand the existing Creston Sand & Gravel Mine, to include mining operations for sand and gravel and reclamation activities.

Staff recommended approval of Mining Permit / MP 21-01 with the following nine (9) conditions:

1. That the conditions of approval of the South Dakota Department of Agriculture and Natural Resources Mine License be continually met;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
3. That the site meets § 320(H) of the Pennington County Zoning Ordinance;
4. That the applicants follow the reclamation plan that was submitted to the SDDANR to reclaim the site when work is completed;
5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Agriculture and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;
6. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
7. That prior to any disturbance within the floodplain, the applicants obtain an approved Floodplain Development Permit;

8. That if there is a change in the floodplain or the work within the floodplain, the applicant submits a new Floodplain Development Permit; and,
9. That this Mining Permit be reviewed in six (6) months from approval date, on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

Chairman Marsh stated he would abstain from voting.

Discussion followed.

**Moved by Coleman and seconded by C. Johnson to approve of Mining Permit / MP 21-01 with the following nine (9) conditions:**

- 1. That the conditions of approval of the South Dakota Department of Agriculture and Natural Resources Mine License be continually met;**
- 2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;**
- 3. That the site meets § 320(H) of the Pennington County Zoning Ordinance;**
- 4. That the applicants follow the reclamation plan that was submitted to the SDDANR to reclaim the site when work is completed;**
- 5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Agriculture and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
- 6. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;**
- 7. That prior to any disturbance within the floodplain, the applicants obtain an approved Floodplain Development Permit;**
- 8. That if there is a change in the floodplain or the work within the floodplain, the applicant submits a new Floodplain Development Permit; and,**
- 9. That this Mining Permit be reviewed in six (6) months from approval date, on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 5 to 0. Chairman Marsh abstained from voting.**



26. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT/ PUD 21-07: Nothing Doing, LLC; Dannie Davis - Agent. To remove the subject property from the Planned Unit Development to rezone to Ranchette Residential District in accordance with Sections 216 and 508 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to remove the subject property from the Planned Unit Development to rezone to Ranchette Residential District.

Staff recommended approval of Major Planned Unit Development Amendment / PU 21-07 to remove the subject property from the Planned Unit Development.

Discussion followed.

**Moved by K. Johnson and seconded by Coleman to approve of Major Planned Unit Development Amendment / PU 21-07 to remove the subject property from the Planned Unit Development.**

**All voting aye, the Motion carried 6 to 0.**

27. COMPREHENSIVE PLAN AMENDMENT / CA 21-06: Nothing Doing, LLC; Dannie Davis - Agent. To amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development District to Ranchette Residential District in accordance with Sections 206, 216, and 508 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

Molior reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development District to Ranchette Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 21-06.

Discussion followed.

**Moved by K. Johnson and seconded by Drewes to approve of Comprehensive Plan Amendment / CA 21-06.**

**All voting aye, the Motion carried 6 to 0.**

28. REZONE / RZ 21-13: Nothing Doing, LLC; Dannie Davis - Agent. To rezone 30 acres from a Planned Unit Development District to Ranchette Residential District in accordance with Sections 206, 216, and 508 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

Molior reviewed the Staff Report indicating the applicant has applied to rezone 30 acres from a Planned Unit Development District to Ranchette Residential District.

Staff recommended approval of Rezone / RZ 21-13.

Discussion followed.

**Moved by McGregor and seconded by Coleman to approve of Rezone / RZ 21-13.**

**All voting aye, the Motion carried 6 to 0.**

29. REZONE / RZ 21-17: Pink Cabin, LLC; KTM Design Solutions - Agent. To rezone 24.56 acres from Agriculture District to Suburban Residential District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Tract G of NW1/4 and SW1/4, Less W175 feet of N90 feet, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Molior reviewed the Staff Report indicating the applicant has applied to rezone 24.56 acres from Agriculture District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 21-17.

**Moved by K. Johnson and seconded by Drewes to approve of Rezone / RZ 21-17.**

**All voting aye, the Motion carried 6 to 0.**

30. LAYOUT PLAN / LPL 21-40: H & H Land Company #2, LLC; Brian Hammerbeck - Agent. To subdivide and create Lots 1 through 11 of South Caputa Addition in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot X located in GL1 and E1/2SE1/4 Less S553.09 ft of SE1/4SE1/4 and Less South Caputa Add; PT GL1 Less South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County.

PROPOSED LEGAL: Lots 1 through 11 of South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 1 through 11 of South Caputa Addition.

Staff recommended approval of Layout Plan / LPL 21-40 with the following eighteen (18) conditions:

1. That at the time of Preliminary Plat submittal, the 50' access easement be identified as a named right-of-way on the plat;
2. That the proposed road name for the 50' access easement be approved prior to Final Plat submittal;
3. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That prior to Preliminary Plat submittal, the applicant obtains an approved Building Permit for the 14' x 48' lean-to attached to the 40' x 60' pole structure on proposed lot 6 and pay any associated penalty fees;
5. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That at the time of Preliminary 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;
7. That at the time of Preliminary Plat submittal, the Plat heading needs to contain a formerly statement including Lot X located in GL 1 along with the E $\frac{1}{2}$ SE $\frac{1}{4}$  followed by located in statement reading E $\frac{1}{2}$ SE $\frac{1}{4}$  & GL 1 per Register of Deeds comments;
8. That at the time of Preliminary Plat submittal, 100-year SFHA, per FEMA Map Panel 4610C1275H will need to be identified on the plat;
9. That at the time of Preliminary Plat submittal, shared access easements should be shown as platted access easements on the plat;
10. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for the proposed lots or obtain an approved Subdivision Regulations Variance to waive these requirements;
11. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lots 1-11 or obtain an approved Lot Size Variance for the proposed lots;
12. That a Fire Mitigation Plan is submitted for approval by the Fire Administrator prior to the mylar being filed at Register of Deeds;

13. That prior to the mylar being filed with the Register of Deeds, Approach Permits for all three existing approaches will need to be filed (Lots 4, 6 & 7) with the Highway Department;
14. That prior to the mylar being filed with the Register of Deeds, a Variance is obtained from the Board of Commissioners for two approaches, both an existing approach and a shared access approach on proposed Lot 7.
15. That the applicant ensures all natural drainage ways are maintained and not blocked;
16. That prior to Final Plat submittal, the applicant identifies the existing Onsite Wastewater Treatment System on proposed Lot 7 and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;
17. That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Conditional Use Permit for the 40' x 60' pole structure with proposed lean-to on proposed Lot 6; and,
18. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Coleman and seconded by K. Johnson to approve of Layout Plan / LPL 21-40 with the following eighteen (18) conditions:**

- 1. That at the time of Preliminary Plat submittal, the 50' access easement be identified as a named right-of-way on the plat;**
- 2. That the proposed road name for the 50' access easement be approved prior to Final Plat submittal;**
- 3. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 4. That prior to Preliminary Plat submittal, the applicant obtains an approved Building Permit for the 14' x 48' lean-to attached to the 40' x 60' pole structure on proposed lot 6 and pay any associated penalty fees;**
- 5. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 6. That at the time of Preliminary 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;
7. That at the time of Preliminary Plat submittal, the Plat heading needs to contain a formerly statement including Lot X located in GL 1 along with the E $\frac{1}{2}$ SE $\frac{1}{4}$  followed by located in statement reading E $\frac{1}{2}$ SE $\frac{1}{4}$  & GL 1 per Register of Deeds comments;
  8. That at the time of Preliminary Plat submittal, 100-year SFHA, per FEMA Map Panel 4610C1275H will need to be identified on the plat;
  9. That at the time of Preliminary Plat submittal, shared access easements should be shown as platted access easements on the plat;
  10. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for the proposed lots or obtain an approved Subdivision Regulations Variance to waive these requirements;
  11. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lots 1-11 or obtain an approved Lot Size Variance for the proposed lots;
  12. That a Fire Mitigation Plan is submitted for approval by the Fire Administrator prior to the mylar being filed at Register of Deeds;
  13. That prior to the mylar being filed with the Register of Deeds, Approach Permits for all three existing approaches will need to be filed (Lots 4, 6 & 7) with the Highway Department;
  14. That prior to the mylar being filed with the Register of Deeds, a Variance is obtained from the Board of Commissioners for two approaches, both an existing approach and a shared access approach on proposed Lot 7.
  15. That the applicant ensures all natural drainage ways are maintained and not blocked;
  16. That prior to Final Plat submittal, the applicant identifies the existing Onsite Wastewater Treatment System on proposed Lot 7 and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;
  17. That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Conditional Use Permit for the 40' x 60' pole structure with proposed lean-to on proposed Lot 6; and,
  18. 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 6 to 0.**

31. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PUD 21-09: William and Bonnie Kneas; Jared Ahlstrom - Agent. To reduce the front yard setback from 25 feet to 19 feet for a future single-family residence on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 15, Granite Point Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to amend the existing Planned Unit Development to reduce the front yard setback from 25 feet to 19 feet for a future single-family residence on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 21-09 with following sixteen (16) conditions:

1. That the Planned Unit Development consists of 26 town homes, six (6) single-family lots, and common lot;
2. That each proposed lot have areas for a single-family residence or town home, accessory structures;
3. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That no off-premise signs be allowed within the Planned Unit Development;
5. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
6. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
7. That the required minimum setbacks for all structures be a minimum of 25 feet from the front property lines, 8-foot side yard setbacks and 25-foot rear yard setback, also that there be a zero-foot side yard setback between the town home lots, and a 20-foot front yard setback for the town home lots;
8. That the proposed setbacks for a single-family residence on Lot 15 be a 20-foot front yard setback, 8-foot side yard setbacks and a 25-foot rear yard setback;

9. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
10. That all roads be paved with curb and gutter with a minimum 24-foot-wide driving surface and a minimum Right-of-Way of 50 feet or obtain a Subdivision Regulations Variance waiving this requirement;
11. That a Road District be formed to maintain the roads;
12. That the Homeowner's Association or Water Association maintains the water reservoir;
13. That all homes within the development be hooked up to the Keystone sewer system;
14. That the engineered water system be continued to be maintained for both water and fire protection;
15. That the proposed town home lot adjacent to South Dakota Highway 40 right-of-way have a zero-foot setback, only if a letter from the South Dakota Department of Transportation is submitted to the Planning Department indicating this is acceptable; and,
16. That this Planned Unit Development be reviewed on a complaint basis only.

Discussion followed.

**Moved by C. Johnson and seconded by Drewes to approve of Minor Planned Unit Development Amendment / PU 21-09 with following sixteen (16) conditions:**

- 1. That the Planned Unit Development consists of 26 town homes, six (6) single-family lots, and common lot;**
- 2. That each proposed lot have areas for a single-family residence or town home, accessory structures;**
- 3. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 4. That no off-premise signs be allowed within the Planned Unit Development;**
- 5. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;**

6. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
7. That the required minimum setbacks for all structures be a minimum of 25 feet from the front property lines, 8-foot side yard setbacks and 25-foot rear yard setback, also that there be a zero-foot side yard setback between the town home lots, and a 20-foot front yard setback for the town home lots;
8. That the proposed setbacks for a single-family residence on Lot 15 be a 19.5-foot front yard setback, 8-foot side yard setbacks and a 25-foot rear yard setback;
9. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
10. That all roads be paved with curb and gutter with a minimum 24-foot-wide driving surface and a minimum Right-of-Way of 50 feet or obtain a Subdivision Regulations Variance waiving this requirement;
11. That a Road District be formed to maintain the roads;
12. That the Homeowner's Association or Water Association maintains the water reservoir;
13. That all homes within the development be hooked up to the Keystone sewer system;
14. That the engineered water system be continued to be maintained for both water and fire protection;
15. That the proposed town home lot adjacent to South Dakota Highway 40 right-of-way have a zero-foot setback, only if a letter from the South Dakota Department of Transportation is submitted to the Planning Department indicating this is acceptable; and,
16. That this Planned Unit Development be reviewed on a complaint basis only.

All voting aye, the Motion carried 6 to 0.

32. TELECOMMUNICATIONS FACILITY PERMIT / TC 21-03: AT&T/Elevated Towers; Jonah Snyder / Ben Snyder. To allow for a 300-foot self-supporting telecommunication tower and equipment shelter on the subject property in a Highway Service District in accordance with Sections 212 and 316 of the Pennington County Zoning Ordinance.

Tract 2, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.



Molitor reviewed the Staff Report indicating the applicant has applied for a Telecommunications Facility Permit to allow for a 300-foot self-supporting telecommunications tower and equipment shelter on the subject property.

Staff recommended approval of Telecommunications Facilities Permit / TC 21-03 with the following nine (9) conditions:

1. That a Building Permit(s) is obtained prior to the installation of the proposed Telecommunications Facility;
2. That the Telecommunications Facility be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas”;
3. That the Telecommunications Facility maintains compliance with current Federal Aviation Administration and Federal Communications Commission Rules and Regulations;
4. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the tower and equipment building;
5. That at the time a Building Permit is submitted, an address be assigned to the Tower and that the address be properly posted in accordance with Ordinance #20;
6. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;
7. That an approved Approach Permit be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for TC 21-03;
8. That prior to submittal of a Building Permit, an easement be obtained from the property owner to the west to allow a buffer area for the telecommunications tower;
9. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property in accordance with Section 316, or a Variance be obtained; and,
10. That this Telecommunication Facilities Permit be reviewed in two (2) years, 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 McGregor and seconded K. Johnson to continue Telecommunications Facilities Permit / TC 21-03 to the July 12, 2021, Planning Commission meeting.**

**All voting aye, the Motion carried 6 to 0.**

33. ORDINANCE AMENDMENT / OA 21-10: Pennington County. To amend Section 400 “Nonconforming Buildings, Structures and Uses of Land” [to amend and supersede the existing Section 400 “Nonconforming Buildings, Structures and Uses of Land”] of the Pennington County Zoning Ordinance.

(Continued from the June 14, 2021, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 400.

Staff recommended approval of Ordinance Amendment / OA 21-10.

**Moved by K. Johnson and seconded by McGregor to approve of Ordinance Amendment / OA 21-10.**

**All voting aye, the Motion carried 6 to 0.**

34. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission’s recommendations from the June 14th meeting at the July 6<sup>th</sup> Board of Commissioner’s meeting.

35. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

36. ITEMS FROM THE STAFF

A. Update - Planning Commission Members. Molitor stated that Sande Runde and Jim Coleman have been reappointed to serve on the Planning Commission and Ms. Sandy Brockhouse is up for appointment at the July 6<sup>th</sup> Board meeting.

B. Planning Commissioner Kathy Johnson. Molitor, the Planning Commission and the Board thanked Kathy for her service.

37. ITEMS FROM THE MEMBERSHIP

Commissioner McGregor wanted to know how many approved Conditional Use Permits there are for Vacation Home Rentals.

Chairman Marsh spoke of the election of Officers at the July 12<sup>th</sup> meeting.

38. ADJOURNMENT

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

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 11:46 a.m.**

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Rich Marsh, Chairperson