

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION**

**November 8, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Cody Sack, Chutima Supboon, Jason Theunissen, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE OCTOBER 25, 2021, MINUTES

**Moved by Coleman and seconded by Johnson to approve the Minutes of the October 25, 2021, Planning Commission meeting, with a correction on page 12 to note that Commissioner Runde left the meeting at 9:56 a.m.. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA

**Moved by Lewis and seconded by Coleman to approve the Agenda of the November 8, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Runde and seconded by Lasseter to approve the Consent Agenda of the November 8, 2021, Planning Commission meeting with the removal of Items #3 and #5. 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.

4. **MINOR PLAT / MPL 21-71:** Don and Laura Elliott; KTM Design Solutions. To combine two lots to create Lot 29 Revised of Block 3 of the Original Townsite of Silver City Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 23-25; E1/2 Vac Alley Adj to Said Lots and Lot 26-29 and E10 Ft of Vacated Alley Adj to Lots; Block 3, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 29 Revised, Block 3, Original Townsite of Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / MPL 21-71 with the following six (6) conditions:**

- 1. That prior to filing the mylar with the Register of Deeds, the Certifications on the 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 § 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 prior to filing the mylar with the Register of Deeds, road design standards of § 500, Table 1 be met or an approved Subdivision Regulations Variance be obtained waiving any of these requirements;**
- 4. 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;**
- 5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 7. 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.**

**Vote: unanimous 7 to 0.**

- 6. MINOR PLAT / MPL 21-74: PDQ Construction Inc.; Justin DeVeney. To combine two lots to create Lot 7R of The Forks at Remmington Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.**

EXISTING LEGAL: Lot 7 and Lot 8, The Forks at Remmington Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 7R, The Forks at Remmington Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / MPL 21-74 with the following eight (8) conditions:**

- 1. That prior to filing the mylar at the Register of Deeds, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or**

approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;

3. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of § 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;
4. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
5. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
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;
7. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
8. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.

**Vote: unanimous 7 to 0.**

7. **MINOR PLAT / MPL 21-73:** Dennis and Wyonne Kaemingk; Fisk Land Surveying - Agent. To combine three lots to create Lot 4R, Block 8 of Forest Home Development Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5 and 6, Block 8, Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R, Block 8, Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / MPL 21-73 with the following seven (7) conditions:**

1. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations 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 meets all requirements of § 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 the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
4. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
5. 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;
6. 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,
7. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.

**Vote: unanimous 7 to 0.**

### **END OF CONSENT AGENDA**

3. MINOR PLAT / MPL 21-69: Jeffery Jamison; KTM Design Solutions - Agent. To combine Lots 15, 16, 17 and 18 to create Lot 15R of Oak Meadows Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 15, 16, 17 and 18, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 15R, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Minor Plat / MPL 21-69 with seven (7) conditions.

Discussion followed.

**Moved by Johnson and seconded by Drewes to approve of Minor Plat / MPL 21-69 with the following seven (7) conditions:**

- 1. That prior to filing the mylar with the Register of Deeds, the Certifications on the plat be corrected, per Register of Deeds comments in this report and 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, approved Approach Permits be obtained from the County Highway Department or a Variance be obtained;**
- 3. 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 of these requirements that are not met;**
- 4. 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;**
- 5. That prior to the mylar being filed at Register of Deeds, the Section Line on proposed Lot 15R be dedicated and improved or an approved Subdivision Regulations Variance be obtained;**
- 6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 7. 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 7 to 0.**

5. MINOR PLAT / MPL 21-70: Roger and Kathy Eckert; Fisk Land Surveying - Agent. To create Lot 1 of Eckert Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, HES #145, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1, Eckert Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Minor Plat / MPL 21-70 with six (6) conditions.

Discussion followed.

**Moved by McGregor and seconded by Drewes to approve of Minor Plat / MPL 21-70 with the following six (6) conditions:**

- 1. That the applicant ensures all natural drainage ways are maintained and are not blocked;**
- 2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;**
- 3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 4. That prior to recording the Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 1, to be reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That prior to the Plat being recorded, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,**
- 6. That approval of this Minor 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.**

8. CONDITIONAL USE PERMIT / CU 21-62: Michael and Megan Meyer. To allow for a Vacation Home Rental in an Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Conditional Use Permit / CU 21-62 to no later than the January 10, 2022, Planning Commission meeting to allow the applicant time to address issues on the subject property.

Discussion followed.

**Moved by Runde and seconded by Lewis to continue Conditional Use Permit / CU 21-62 to no later than the January 10, 2022, Planning Commission meeting to allow the applicant time to address issues on the subject property.**

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

9. LAYOUT PLAN / LPL 21-68: Southern Black Hills Water Systems, Inc. To subdivide and create Lot JR and Lot W of Phase 3 of Rushmore Ranch Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot J, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot JR and Lot W, Phase 3 of Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lot JR and Lot W of Phase 3 of Rushmore Ranch Estates Subdivision.

Staff recommended approval of Layout Plan / LPL 21-68 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per §700 of the Pennington County Subdivision Regulations;
4. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of § 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 the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
6. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;

7. 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;
8. That within 30 days after the approval of the Layout Plat, the applicant obtains a Building Permit for the existing well house and pays the Building Permit fee and associated penalty fee;
9. 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,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Runde and seconded by McGregor to approve of Layout Plan / LPL 21-68 with the following ten (10) conditions:**

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per §700 of the Pennington County Subdivision Regulations;**
- 4. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of § 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 the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;**
- 6. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;**
- 7. 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;**



8. **That within 30 days after the approval of the Layout Plat, the applicant obtains a Building Permit for the existing well house and pays the Building Permit fee and associated penalty fee;**
9. **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,**
10. **That approval of this Layout 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.**

10. COMPREHENSIVE PLAN AMENDMENT / CA 21-14: Dennis and Wyonne Kaemingk; KTM Design Solutions – Agent. 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 4, 5, and 6, Block 8, Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 21-14.

Discussion followed.

**Moved by Johnson and seconded by Runde to approve of Comprehensive Plan Amendment / CA 21-14.**

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

11. REZONE / RZ 21-29: Dennis and Wyonne Kaemingk; KTM Design Solutions – Agent. To rezone 2.25 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 4, 5, and 6, Block 8, Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 2.25 acres from Rural Residential District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 21-29.

Discussion followed.

**Moved by Drewes and seconded by Runde to approve of Rezone / RZ 21-29.**

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

12. LAYOUT PLAN / LPL 21-72: Michael and Joslyn Sullivan. To subdivide and create Tracts 4A and 4B of Schacher Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 4, Schacher Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 4A and Tract 4B, Schacher Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Tracts 4A and 4B of Schacher Subdivision.

Staff recommended approval of Layout Plan / LPL 21-72 with the following ten (10) conditions:

1. That at the time of Preliminary Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Preliminary 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 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;
4. That at the time of Preliminary Plat submittal, 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;
5. That prior to the mylar being filed at Register of Deeds, the entire 33 feet of Section Line rights-of-way along the proposed Tracts 4A and 4B be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
6. That prior to filing the mylar with the Register of Deeds, Approach Permits are obtained for the existing access to proposed Tract 4A and for the new approach for proposed Tract 4B;

7. 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;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. 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 McGregor and seconded by Runde to approve of Layout Plan / LPL 21-72 with the following ten (10) conditions:**

- 1. That at the time of Preliminary Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That at the time of Preliminary 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 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;**
- 4. That at the time of Preliminary Plat submittal, 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;**
- 5. That prior to the mylar being filed at Register of Deeds, the entire 33 feet of Section Line rights-of-way along the proposed Tracts 4A and 4B be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;**
- 6. That prior to filing the mylar with the Register of Deeds, Approach Permits are obtained for the existing access to proposed Tract 4A and for the new approach for proposed Tract 4B;**
- 7. 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;**

- 8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
- 9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 10. 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.**

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their October 25th meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for October 2021.

16. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

17. ADJOURNMENT

**Moved by Drewes and seconded by Runde to adjourn.**

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

**The meeting adjourned at 9:24 a.m.**

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Rich Marsh, Chairperson