

**MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
January 8, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen McGregor, Mikal Lewis, Jim Coleman, Kevin Burton,  
Kevin Kuehn, and Ron Rossknecht

STAFF PRESENT: Jason Theunissen, Megan Talmage, TJ Doreff, Cody Sack, Jeri  
Ervin, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE DECEMBER 11, 2023, MINUTES  
**Moved by Rossknecht and seconded by Kuehn to approve the Minutes of the December 11, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Burton and seconded by Lewis to approve the Agenda of the January 8, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.**

Commissioner Burton left the meeting at 9:01 a.m.

Commissioner Burton returned to the meeting at 9:02 a.m.

3. APPROVAL OF THE CONSENT AGENDA  
**Moved by Lewis and seconded by Burton to approve the Consent Agenda of the January 8, 2024, Planning Commission meeting, with the removal of Items #4 and #8. Vote: unanimous 6 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.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 18-40:** Eli Rodolph/Rodolph Investments. To review an accessory structure (pole barn building) prior to a principal structure on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit Review / CUR 18-40 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CUR 22-12:** Alisha and Peter Kolb. To review a detached garage to be used as a Guest House on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract 27, Clear Creek Tracts, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit Review / CUR 22-12 with the following eight (8) conditions:**

1. **That the rental or lease of the Guest House or the use of the Guest House as a permanent residence or a second family on the premises shall be prohibited;**
2. **That the Guest House shall not be used for more than 180 days per calendar year;**
3. **That the primary residence be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318-B-10;**
4. **That the on-site wastewater treatment system be in compliance with PCZO Section 204(J);**
5. **That the address assigned to the guest house be posted in accordance with Pennington County Ordinance #20;**
6. **That the Guest House be utilized and maintained in accordance with all requirements of the PCZO § 318;**
7. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,**
8. **That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CUR 22-26:** Tube Air Racing, LLC/Larry Teuber. To review an accessory structure, a pole barn/shop building, as a primary structure on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1RA, Block 5, Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit Review / CUR 22-26 with the following seven (7) conditions:**

1. That the garage not be used for living quarters;
2. That the address assigned to the garage continue to be posted in accordance with Pennington County Ordinance #20, so that it is visible from Pioneer Circle;
3. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
4. That the property remains free of junk and debris;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
6. That the applicant adheres to Pennington County Zoning Ordinance § 510; and,
7. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

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

4. CONDITIONAL USE PERMIT REVIEW / CUR 14-29: Isaac Malsom. To review the use of an existing private air strip to be used for the applicant's personal aircraft in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

The NW1/4NE1/4 less ROW, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

Staff requested to remove this Item from the Consent Agenda for discussion.

Staff recommend approval of the extension of Conditional Use Permit Review / CUR 14-29 with conditions.

Discussion followed.

**Moved by Burton and seconded by Lewis to approve the extension of Conditional Use Permit / CU 14-29 with the following seven (7) conditions:**

1. That a sign continue to be conspicuously posted along Highway 1416 indicating low flying aircraft;

2. **That the airstrip continue to be used for personal/private use only;**
3. **That the applicant continue to adhere to FAA rules and regulations at all times;**
4. **That the hours of operation for the airstrip continue to be from dawn to dusk;**
5. **That the Conditional Use Permit is revoked upon the sale or transfer of the property;**
6. **That the airstrip remains a grass runway; and,**
7. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as directed by the Pennington County Board of Commissioners and/or the Planning Commission in order to verify that all Conditions of Approval are being met.**

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

8. CONDITIONAL USE PERMIT REVIEW / CUR 22-40: Scenic Volunteer Fire Department; Charles Maude - Agent. To review a Fire Station on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

E1/2SE1/4SW1/4SW1/4SE1/4; SW1/4SE1/4SW1/4SE1/4; W1/2SE1/4SE1/4SW1/4SE1/4; W1/2E1/2SE1/4SE1/4SW1/4SE1/4; and W1/2W1/2E1/2E1/2SE1/4SE1/4 SW1/4SE1/4, Section 33, T2S, R13E, BHM, Pennington County, South Dakota.

Staff requested to remove this Item from the Consent Agenda for discussion.

Staff recommend approval of the extension of Conditional Use Permit Review / CUR 22-40 with conditions.

Discussion followed.

**Moved by Burton and seconded by Lewis to approve the extension of Conditional Use Permit / CU 22-40 with the following ten (10) conditions:**

1. **That a minimum of ten (10) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and the off-street parking spaces shall be maintained in a dust free manner;**
2. **That an approved Approach Permit is obtained prior to submittal of a Building Permit;**
3. **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;**

4. That an address be assigned for the proposed Fire Station and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Bear Creek Road;
5. That all lighting located on the outside of the building be directed towards the ground;
6. That prior to any expansion to the fire station or addition of any non-accessory buildings, the applicant be required to have the Conditional Use Permit amended with notification to surrounding property owners;
7. That personal vehicles cannot be stored, maintained or repaired on the property and that all non-fire related overnight stays be prohibited;
8. That prior to issuance of a Building Permit, the applicant shall submit the appropriate paperwork to the South Dakota Department of Agriculture and Natural Resources for review and approval of the on-site wastewater treatment system;
9. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
10. That this Conditional Use Permit shall be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

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

9. CONDITIONAL USE PERMIT / CU 23-39: 605 Excavating Corp., Donovan Pallatto. To allow a shop building on the subject property to store commercial equipment in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3A, Block 6, Ashland Subdivision No. 2, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a shop building on the subject property to store commercial equipment.

Staff recommended to deny Conditional Use Permit / CU 23-39.

Discussion followed.

**Moved by Rossknecht and seconded by Burton to continue Conditional Use Permit / CU 23-39 to the January 22, 2024, Planning Commission meeting.**

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

**Moved by Lewis and seconded by Rossknecht to wave rules to discuss similar Agenda Items #10, #11, and #12 at the same time and to vote on each item separately. All voting aye, the Motion carried 6 to 0.**

10. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-12: Quality Five, LLC, Matt Kenaston. To amend the Planned Unit Development in order to remove the subject property from the existing Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the northeast corner of the aforescribed Lot 1, common to the south line of Lot 6 of Spring Creek Palisades Subdivision and the west line of Lot 1 of Boyum Subdivision, the Point of Beginning, a rebar with survey cap marked LS 4896; thence first course, S43°09'19"W for 231.98 feet on the line of Lots 1 and 2 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 4896; thence second course, N84°00'14"W for 132.71 feet in Lot 1 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 6565; thence third course, N16°24'08"E for 108.44 feet in Lot 1 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 6565; thence fourth course, N81°17'04"W for 179.40 feet in Lot 1 of the aforescribed Boyum Subdivision to an angle point on the east line of Lot 1, and the east right-of-way line of Robins Roost Road to a rebar with survey cap marked LS 4896; thence fifth course, N71°14'31"E for 245.32 feet on the west line of the aforescribed Lot 1 and the east line of the Robins Roost Road right-of-way to a point of curvature, a rebar with survey cap marked LS 4896; thence sixth course, a horizontal curve to the left, on the west line of the aforescribed Lot 1 and the east line of the Robins Roost Road right-of-way, whose radius is 130.50', a delta of 18°39'02", a length of 42.48', a chord bearing of N62°10'37"E, and a chord distance of 42.29' to a rebar with survey cap marked LS 4896, a point in common with the aforescribed Lot 6 of Spring Creek Palisades Subdivision; thence seventh course, S17°17'42"W for 76.55 feet on the line of Lot 1 of Boyum Subdivision and Lot 6 of Spring Creek Palisades Subdivision, to a rebar with survey cap marked LS 4896; thence eighth course, S89°34'53"E for 190.43 feet on the north line of Lot 1 of the aforescribed Boyum Subdivision and the south line of Lot 6 of Spring Creek Palisades Subdivision to the Point of Beginning, said description containing 1.00 acre (43,564 square feet) more or less; Section 21, T1S, R5E, 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 Planned Unit Development in order to remove the subject property (1.00 acre) from the existing Planned Unit Development.

Staff recommended approval of Major Planned Unit Development Amendment / PU 23-12 with the following nineteen (19) conditions:

1. That the permitted uses be for seasonal rental cabins, long term rental cabins, combination office and three (3) bedroom rental unit, seasonal/long-term rental structures, multi-family rentals, hotel/motel, Vacation Home Rentals and any accessory structures directly supporting the operation of the approved use;

2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the required setbacks for any structure be a minimum of twenty-five (25) feet from the front property line and a minimum of ten (10) feet from the side and rear property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;
4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
7. That all addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
9. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in Section 310 of the Pennington County Zoning Ordinance;
10. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Robins Roost;
12. That a smoke detector be placed in each sleeping room utilized for a hotel / motel, rental cabin, multi-family rental, or vacation home rental, to include 1 smoke detector per floor;
13. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a hotel / motel, cabin, multifamily rental, or vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
14. That the maximum number of people staying at any cabin, rental, hotel / motel, or vacation home rental must comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;

15. That the physical address of each structure be posted in each guest room utilized as a hotel / motel, cabin, multi-family rental and vacation home rental;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
17. That any Vacation Home Rentals must comply with PCZO §319;
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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
19. That this Planned Unit Development be reviewed on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

**Moved by Rossknecht and seconded by Kuehn to approve of Major Planned Unit Development Amendment / PU 23-12 with the following nineteen (19) conditions:**

- 1. That the permitted uses be for seasonal rental cabins, long term rental cabins, combination office and three (3) bedroom rental unit, seasonal/long-term rental structures, multi-family rentals, hotel/motel, Vacation Home Rentals and any accessory structures directly supporting the operation of the approved use;**
- 2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 3. That the required setbacks for any structure be a minimum of twenty-five (25) feet from the front property line and a minimum of ten (10) feet from the side and rear property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;**
- 4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;**
- 5. That all natural drainage paths be continually maintained;**
- 6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;**



7. That all addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
9. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in Section 310 of the Pennington County Zoning Ordinance;
10. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Robins Roost;
12. That a smoke detector be placed in each sleeping room utilized for a hotel / motel, rental cabin, multi-family rental, or vacation home rental, to include 1 smoke detector per floor;
13. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a hotel / motel, cabin, multifamily rental, or vacation home rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
14. That the maximum number of people staying at any cabin, rental, hotel / motel, or vacation home rental must comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
15. That the physical address of each structure be posted in each guest room utilized as a hotel / motel, cabin, multi-family rental and vacation home rental;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
17. That any Vacation Home Rentals must comply with PCZO §319;
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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,

**19. That this Planned Unit Development be reviewed on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.**

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

11. COMPREHENSIVE PLAN AMENDMENT / CA 23-13: Quality Five, LLC, Matt Kenaston. To amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the northeast corner of the aforescribed Lot 1, common to the south line of Lot 6 of Spring Creek Palisades Subdivision and the west line of Lot 1 of Boyum Subdivision, the Point of Beginning, a rebar with survey cap marked LS 4896; thence first course, S43°09'19"W for 231.98 feet on the line of Lots 1 and 2 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 4896; thence second course, N84°00'14"W for 132.71 feet in Lot 1 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 6565; thence third course, N16°24'08"E for 108.44 feet in Lot 1 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 6565; thence fourth course, N81°17'04"W for 179.40 feet in Lot 1 of the aforescribed Boyum Subdivision to an angle point on the east line of Lot 1, and the east right-of-way line of Robins Roost Road to a rebar with survey cap marked LS 4896; thence fifth course, N71°14'31"E for 245.32 feet on the west line of the aforescribed Lot 1 and the east line of the Robins Roost Road right-of-way to a point of curvature, a rebar with survey cap marked LS 4896; thence sixth course, a horizontal curve to the left, on the west line of the aforescribed Lot 1 and the east line of the Robins Roost Road right-of-way, whose radius is 130.50', a delta of 18°39'02", a length of 42.48', a chord bearing of N62°10'37"E, and a chord distance of 42.29' to a rebar with survey cap marked LS 4896, a point in common with the aforescribed Lot 6 of Spring Creek Palisades Subdivision; thence seventh course, S17°17'42"W for 76.55 feet on the line of Lot 1 of Boyum Subdivision and Lot 6 of Spring Creek Palisades Subdivision, to a rebar with survey cap marked LS 4896; thence eighth course, S89°34'53"E for 190.43 feet on the north line of Lot 1 of the aforescribed Boyum Subdivision and the south line of Lot 6 of Spring Creek Palisades Subdivision to the Point of Beginning, said description containing 1.00 acre (43,564 square feet) more or less; Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 23-13.

Discussion followed.

**Moved by Lewis and seconded by Coleman to approve of Comprehensive Plan Amendment / CA 23-13.**

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

12. REZONE / RZ 23-18: Quality Five, LLC, Matt Kenaston. To rezone from a Planned Unit Development District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the northeast corner of the aforescribed Lot 1, common to the south line of Lot 6 of Spring Creek Palisades Subdivision and the west line of Lot 1 of Boyum Subdivision, the Point of Beginning, a rebar with survey cap marked LS 4896; thence first course, S43°09'19"W for 231.98 feet on the line of Lots 1 and 2 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 4896; thence second course, N84°00'14"W for 132.71 feet in Lot 1 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 6565; thence third course, N16°24'08"E for 108.44 feet in Lot 1 of the aforescribed Boyum Subdivision to a rebar with survey cap marked LS 6565; thence fourth course, N81°17'04"W for 179.40 feet in Lot 1 of the aforescribed Boyum Subdivision to an angle point on the east line of Lot 1, and the east right-of-way line of Robins Roost Road to a rebar with survey cap marked LS 4896; thence fifth course, N71°14'31"E for 245.32 feet on the west line of the aforescribed Lot 1 and the east line of the Robins Roost Road right-of-way to a point of curvature, a rebar with survey cap marked LS 4896; thence sixth course, a horizontal curve to the left, on the west line of the aforescribed Lot 1 and the east line of the Robins Roost Road right-of-way, whose radius is 130.50', a delta of 18°39'02", a length of 42.48', a chord bearing of N62°10'37"E, and a chord distance of 42.29' to a rebar with survey cap marked LS 4896, a point in common with the aforescribed Lot 6 of Spring Creek Palisades Subdivision; thence seventh course, S17°17'42"W for 76.55 feet on the line of Lot 1 of Boyum Subdivision and Lot 6 of Spring Creek Palisades Subdivision, to a rebar with survey cap marked LS 4896; thence eighth course, S89°34'53"E for 190.43 feet on the north line of Lot 1 of the aforescribed Boyum Subdivision and the south line of Lot 6 of Spring Creek Palisades Subdivision to the Point of Beginning, said description containing 1.00 acre (43,564 square feet) more or less; Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 1.00 acre from a Planned Unit Development District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 23-18.

Discussion followed.

**Moved by Kuehn and seconded by Lewis to approve of Rezone / RZ 23-18.**

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

13. VACATION OF PLAT / VP 23-05: Quality Five, LLC, Matt Kenaston. To vacate an existing 30-foot-wide Access Easement on the plat of Lot 1, Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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

Theunissen reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate an existing 30-foot-wide Access Easement on the plat of Lot 1 of Boyum Subdivision.

Discussion followed.

**Moved by Burton and seconded by Kuehn to approve of Vacation of Plat / VP 23-05 with the following one (1) condition:**

- 1. That all necessary resolutions for Vacation of Plat / VP 23-05 be recorded by the applicant at the Register of Deeds' Office.**

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

14. PRELIMINARY PLAN / PPL 23-31: Quality Five, LLC, Matt Kenaston. To create Lot 1R and Lot 3 of Boyum Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 3, Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to create Lot 1R and Lot 3 of Boyum Subdivision.

Staff recommended approval of Preliminary Plan / PPL 23-31 with the following seven (7) conditions:

1. That at the time of submittal for the Final Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
2. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
3. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;
4. That at the time of submittal of the Final Plat, the Certifications *be corrected* and in accordance with §§ 1702 and 1703 of the Pennington County Subdivision Regulations;
5. That at the time of Final Plat submittal, the address for the 4-plex on proposed Lot 3 be changed from 12630 Robins Roost Road;

6. That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 and 602 of the Pennington County Subdivision Regulations; and,
7. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Rossknecht and seconded by Lewis to approve of Preliminary Plan / PPL 23-31 with the following seven (7) conditions:**

1. **That at the time of submittal for the Final Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
2. **That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;**
3. **That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;**
4. **That at the time of submittal of the Final Plat, the Certifications *be corrected* and in accordance with §§ 1702 and 1703 of the Pennington County Subdivision Regulations;**
5. **That at the time of Final Plat submittal, the address for the 4-plex on proposed Lot 3 be changed from 12630 Robins Roost Road;**
6. **That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 and 602 of the Pennington County Subdivision Regulations; and,**
7. **That approval of this Preliminary 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.**

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 11, 2023, Planning Commission meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. Building Permit Report. Theunissen reviewed the December 2023 Building Permit Report.

18. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

19. ADJOURNMENT

**Moved by Rossknecht and seconded by Burton to adjourn.**

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

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

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Karen McGregor, Vice Chairperson