

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**February 12, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Mikal Lewis, Jim Coleman, Kevin Kuehn, and Deb Hadcock

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

ROLL CALL

1. APPROVAL OF THE JANUARY 22, 2024, MINUTES  
**Moved by Kuehn and seconded by Lewis to approve the Minutes of the January 22, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.**
2. APPROVAL OF THE AGENDA  
**Moved by Lewis and seconded by McGregor to approve the Agenda of the February 12, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.**
3. APPROVAL OF THE CONSENT AGENDA  
**Moved by McGregor and seconded by Lewis to approve the Consent Agenda of the February 12, 2024, Planning Commission meeting, with the removal of Item #6. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 21-46**: Jeff DeVeny. To review an off-premise sign on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 21-46 with the following eight (8) conditions:**

1. **That this Conditional Use Permit only allows for a single sign structure with up to 2 off-premise, non-illuminated signs;**

2. That the sign structure maintains a minimum 5-foot setback from the front property line and that no part of the sign, or infrastructure of the sign, be placed within any right-of-way;
3. That the off-premise signs shall not exceed a height of 30 feet and the maximum display area shall not exceed 250 square feet on each face;
4. That the off-premise sign structure be painted and maintained in muted colors as to blend into the natural surroundings;
5. That no debris, including, but not necessarily limited to, wood material, posts, metal, paper, plastic, cardboard or other materials from the construction or maintenance of the sign shall be left at the location or vicinity of the sign;
6. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
7. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
8. 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 Conditionals of Approval are being met.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CUR 21-51**: Patrick and Amie Rose. To review an accessory structure prior to a primary structure on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 23C, Block 7, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 21-51 with the following seven (7) conditions:**

1. That a **Building Permit** be obtained for any structure 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 remain free of junk and debris;
3. That the existing garage be used for personal use only, no commercial-type use and/or living space is allowed;
4. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the applicant adheres to Pennington County Zoning Ordinance Section 506;

6. That an address be posted in accordance with Ordinance #20, so that it is visible from Leroy Street; and,
7. That this Conditional Use Permit be 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 6 to 0.**

7. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PUR 13-02**: Westloft Holdings, LLC. To review the existing Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Lot RR, Johnson Siding Townsite, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of Minor Planned Unit Development Amendment Review / PUR 13-02 with the following nine (9) conditions:**

1. That the Planned Unit Development consists of a maximum of five (5) apartments all contained within one structure that can be used as living quarters;
2. That the setback for the existing structure be 0.95 foot from the west property line and all proposed and new structures be a minimum of twenty-five (25) feet from the front and rear and eight (8) feet from the side property lines;
3. That the apartment complex has a local fire alarm system with pull station;
4. That each unit be equipped with either a battery or AC operated smoke detector;
5. That an address must be assigned to each unit and posted on the door of each unit;
6. That a minimum of ten parking spaces be provided measuring at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;
7. That the maximum occupancy of the entire structure be fifteen (15) guests per night;
8. That an Operating Permit be obtained every three (3) years; and,
9. That this Planned Unit Development 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.

**END OF CONSENT AGENDA**

6. CONDITIONAL USE PERMIT REVIEW / CUR 22-43: Heikke and Jolene Nielsen. To review a Guest House on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Elkhorn Estates, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested to have this item removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit Review / CUR 22-43 with nine (9) conditions.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve of Conditional Use Permit Review / CUR 22-43 with the following nine (9) conditions:**

- 1. That the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;**
- 2. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;**
- 3. That the Guest House shall not be used for more than 180 days per calendar year;**
- 4. 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;**
- 5. That the on-site wastewater treatment system be in compliance with PCZO §331;**
- 6. That an address be assigned to the Guest House and the addresses assigned to the primary residence and the Guest House be posted so they are clearly visible from both directions of travel on Old Hill City Road, in accordance with Pennington County Ordinance #20;**
- 7. That the Guest House be utilized and maintained in accordance with all requirements of the PCZO § 318;**
- 8. 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,**
- 9. 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.**

All voting aye, the Motion carried 6 to 0.

8. CONDITIONAL USE PERMIT / CU 23-41: Patricia Raush. To allow an Accessory Dwelling Unit on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1B of Lot B of Lot 3, Feay Reder Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

Philip reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an Accessory Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-41 with the following fourteen (14) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
3. That the ADU has a residential appearance;
4. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Sheridan Lake Road so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);
6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
7. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
10. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
11. That at least 1 off-street parking space be provided for the ADU;
12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;

13. 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,
14. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Director, Pennington County Planning Commission, or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by McGregor and seconded by Kuehn to approve of Conditional Use Permit / CU 23-41 with the following fourteen (14) conditions:**

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 3. That the ADU has a residential appearance;**
- 4. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Sheridan Lake Road so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);**
- 6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;**
- 7. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;**
- 8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;**
- 9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;**
- 10. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;**
- 11. That at least 1 off-street parking space be provided for the ADU;**
- 12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;**

13. 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,
14. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Director, Pennington County Planning Commission, or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT / CU 24-02: Kathleen Holliday. To allow a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 21, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 24-02 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (F)(13);
2. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit documents at the Pennington County Planning Department;
3. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
4. That each review of Conditional Use Permit / CU 24-02, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
5. That the applicants continually maintain 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;
6. 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;

7. That a minimum of three (3) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (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;
8. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, § 319(G)(1)(n);
9. That prior to operation, the lot address (230 Matterhorn Drive) be continually posted on the residence at all times and so it is clearly visible from Matterhorn Drive in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed, from Jeff Nelson, 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;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. 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,
15. That this Conditional Use 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 by McGregor and seconded by Hadcock to approve of Conditional Use Permit / CU 24-02 with the following fifteen (15) conditions:**

- 1. That the maximum overnight occupancy be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (F)(13);**
- 2. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit documents at the Pennington County Planning Department;**



3. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
4. That each review of Conditional Use Permit / CU 24-02, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
5. That the applicants continually maintain 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;
6. 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;
7. That a minimum of three (3) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (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;
8. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, § 319(G)(1)(n);
9. That prior to operation, the lot address (230 Matterhorn Drive) be continually posted on the residence at all times and so it is clearly visible from Matterhorn Drive in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed, from Jeff Nelson, 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;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);

14. **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,**
15. **That this Conditional Use 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**

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

10. CONDITIONAL USE PERMIT / CU 24-03: Sam Crittenden. To allow a contractor's equipment storage yard on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

The S1/2SW1/4, SE1/4, Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a contractor's equipment storage yard on the subject property.

Staff recommended to continue Conditional Use Permit / CU 24-03 to the February 26, 2024, Planning Commission meeting.

Discussion followed.

**Moved by Hadcock and seconded by Kuehn to continue Conditional Use Permit / CU 24-03 to the February 26, 2024, Planning Commission meeting.**

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

11. PRELIMINARY PLAN / PPL 24-01: Adrian Ranch, LLC; Neal Adrian. To subdivide and create Tract A of Thovson Subdivision No. 2 in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: NW1/4 NW1/4; N1/2 SW1/4 NW1/4, and SW1/4 SW1/4 NW1/4 E of Thovson Road, Less ROW; NW1/4 NW1/4 SW1/4; The Unplatted Pt of SE1/4 NE1/4 N and E of Thovson Road in Section 19, Less Row, also located in Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Thovson Subdivision No. 2, Sections 19 and 20, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to subdivide and create Tract A of Thovson Subdivision No. 2.

Staff recommended approval of Preliminary Plan / PPL 24-01 with the following six (6) conditions:

1. That at the time of Final Plat submittal, the certificates be in accordance with § 1702 and 1703 of the Pennington County Subdivision Regulations;
2. That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 & 602 of the Pennington County Subdivision Regulations.
3. That prior to Final Plat submittal, the applicant improves Thovson Road to Ordinance #14 or obtains an approved Subdivision Regulations Variance for road improvements,
4. That the applicant ensures all-natural drainage ways are maintained and not blocked;
5. 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,
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 Lewis and seconded by Kuehn to approve of Preliminary Plan / PPL 24-01 with the following six (6) conditions:**

- 1. That at the time of Final Plat submittal, the certificates be in accordance with § 1702 and 1703 of the Pennington County Subdivision Regulations;**
- 2. That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 & 602 of the Pennington County Subdivision Regulations.**
- 3. That prior to Final Plat submittal, the applicant improves Thovson Road to Ordinance #14 or obtains an approved Subdivision Regulations Variance for road improvements,**
- 4. That the applicant ensures all-natural drainage ways are maintained and not blocked;**
- 5. 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,**
- 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 6 to 0.**

**Moved by Lewis and seconded by McGregor to wave rules to discuss similar Agenda Items #12 and #13 at the same time and to vote on each item separately. All voting aye, the Motion carried 6 to 0.**

12. COMPREHENSIVE PLAN AMENDMENT / CA 24-01: Charles and Jenny Hanson. To amend Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Commencing at Corner #4 of MS 2072 Plainview Lode located in the NW1/4 of the NW1/4 of Section 31, Township 1 South, Range 6 East of the Black Hills Meridian, which is the POINT OF BEGINNING, Thence S 44° 47' 31" E - a distance of 447.81 feet to Point No. 1 which is the TRUE POINT OF BEGINNING; Thence S 44° 47' 31" E - a distance of 353.49 feet to Point No. 2; Thence N 11° 43' 03" E - a distance of 611.04 feet to Point No. 3; Thence northwesterly along a curve with a Chord Bearing of N 87° 51' 20" E, a Chord distance of 239.49 feet, a Radius of 458.24 feet, and a curve length of 242.30 feet to Point No 4; Thence S 20° 34' 48" W - a distance of 380.70 feet to Point No 1; which is the TRUE POINT OF BEGINNING; located in MS 2072 Plainview Lode, containing 3.00 Acres "more or less", located in the NW1/4 of NW1/4 of Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Comprehensive Plan Amendment / CA 24-01 to the February 26, 2024, Planning Commission meeting to allow the applicants time to submit a Layout Plan Application.

Discussion followed.

**Moved by Hadcock and seconded by McGregor to continue Comprehensive Plan Amendment / CA 24-01 to the February 26, 2024, Planning Commission meeting.**

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

13. REZONE / RZ 24-01: Charles and Jenny Hanson. To rezone 3 acres from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Commencing at Corner #4 of MS 2072 Plainview Lode located in the NW1/4 of the NW1/4 of Section 31, Township 1 South, Range 6 East of the Black Hills Meridian, which is the POINT OF BEGINNING, Thence S 44° 47' 31" E - a distance of 447.81 feet to Point No. 1 which is the TRUE POINT OF BEGINNING; Thence S 44° 47' 31" E - a distance of 353.49 feet to Point No. 2; Thence N 11° 43' 03" E - a distance of 611.04 feet to Point No. 3; Thence northwesterly along a curve with a Chord Bearing of N 87° 51' 20" E, a Chord distance of 239.49 feet, a Radius of 458.24 feet, and a curve length of 242.30 feet to Point No 4; Thence S 20° 34' 48" W - a distance of 380.70 feet to Point No 1; which is the TRUE POINT OF BEGINNING; located in MS 2072 Plainview Lode, containing 3.00 Acres "more or less", located in the NW1/4 of NW1/4 of Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Rezone / RZ 24-01 to the February 26, 2024, Planning Commission meeting to allow the applicants time to submit a Layout Plan Application.

Discussion followed.

**Moved by McGregor and seconded by Kuehn to continue Rezone / RZ 24-01 to the February 26, 2024, Planning Commission meeting.**

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

**Moved by Lewis and seconded by Coleman to discuss to wave rules to discuss similar Agenda Items #14 and #15 at the same time and to vote on each item separately. All voting aye, the Motion carried 6 to 0.**

14. COMPREHENSIVE PLAN AMENDMENT / CA 24-02: Keystone Adventures. To establish the Future Land Use of a vacated Right-of-Way with no zone to Highway Service District and to change the Future Land Use from a portion of the property from Commercial District to Highway Service District.

Golden Treasure Fraction MS 1198 Including Vacated ROW, Including PT Lot B Adj to Golden Treasure Fraction MS 1198, and Less Lot H2 of Golden Treasure Fraction MS 11 and Lot H2 of Golden Treasure Fraction MS 11; Unplatted Balance of GL 16 Less ROW; Unplatted Balance of GL 21 Less ROW; Lot A of W1/2NE1/4SE1/4; PT Lot B Adj to GL 16; all located in Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant applied for a Comprehensive Plan Amendment to establish the Future Land Use of a vacated Right-of-Way with no zone to Highway Service District and to change the Future Land Use from a portion of the property from Commercial District to Highway Service District.

Staff recommended approval of Comprehensive Plan Amendment / CA 24-02.

Discussion followed.

**Moved by Kuehn and seconded by Lewis to approve of Comprehensive Plan Amendment / CA 24-02.**

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

15. REZONE / RZ 24-02: Keystone Adventures. To rezone a vacated Right-of-Way with no zone to Highway Service District and to rezone a portion from Commercial District to Highway Service District in accordance with the Pennington County Zoning Ordinance.

Golden Treasure Fraction MS 1198 Including Vacated ROW, Including PT Lot B Adj to Golden Treasure Fraction MS 1198, and Less Lot H2 of Golden Treasure Fraction MS 11 and Lot H2 of Golden Treasure Fraction MS 11; Unplatted Balance of GL 16 Less ROW;

Unplatted Balance of GL 21 Less ROW; Lot A of W1/2NE1/4SE1/4; PT Lot B Adj to GL 16; all located in Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant applied for a Rezone to rezone a vacated Right-of-Way with no zone to Highway Service District and to rezone a portion from Commercial District to Highway Service District.

Staff recommended approval of Rezone / RZ 24-02.

Discussion followed.

**Moved by McGregor and seconded by Lewis to approve of Rezone / RZ 24-02.**

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

16. CONDITIONAL USE PERMIT / CU 23-32: Saint Patrick, LLC; Doyle Estes - Agent. To allow a manager/caretaker's residence on the subject property in a Commercial District in accordance with the Pennington County Zoning Ordinance.

Lot B of NW1/4NE1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 11, 2023, Planning Commission meeting.)

Sack reviewed that this item was continued from the December 11, 2023, Planning Commission meeting.

Staff recommended denial without prejudice of Conditional Use Permit / CU 23-32.

Discussion followed.

**Moved by Hadcock and seconded by Kuehn to continue Conditional Use Permit / CU 23-32 to the April 22, 2024, Planning Commission meeting to verify the structure meets fire code.**

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

**Moved by Lewis and seconded by Kuehn to wave rules to discuss similar Agenda Items #17, #18, #19, and #20 at the same time and to vote on each item separately. All voting aye, the Motion carried 6 to 0.**

17. VACATION OF PLAT / VP 24-01: Pactola Heights, LLC / Ben Folsland. To vacate a portion of platted right-of-way along Chaparral Drive.

Lots 15, 16, and 17 of Block 1 Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate a portion of platted Right-of-Way along Chaparral Drive.

Staff recommended approval of Vacation of Plat / VP 24-01 with the following two (2) conditions:

1. That the underlying property of the platted public right-of-way being vacated is transferred from the original owner to the existing owner or the original owner sign the plat (verification from the City of Rapid City is required prior to filing Exhibit A with the Register of Deeds); and,
2. That all necessary resolutions for Vacation of Plat / VP 24-01 be recorded by the applicant at the Register of Deeds' Office.

Discussion followed.

**Moved by McGregor and seconded by Kuehn to approve of Vacation of Plat / VP 24-01 with the following two (2) conditions:**

1. **That the underlying property of the platted public right-of-way being vacated is transferred from the original owner to the existing owner or the original owner sign the plat (verification from the City of Rapid City is required prior to filing Exhibit A with the Register of Deeds); and,**
2. **That all necessary resolutions for Vacation of Plat / VP 24-01 be recorded by the applicant at the Register of Deeds' Office.**

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

18. VACATION OF PLAT / VP 24-02: Pactola Heights, LLC / Ben Folsland. To vacate the road name of Chaparral Drive on the plat.

Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Block 1 and Lots 1, 2, 3, 4, 5 and 6 of Block 2, all located in Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate the road name of Chaparral Drive on the plat.

Staff recommended approval of Vacation of Plat / VP 24-02 with the following one (1) condition:

1. That all necessary resolutions for Vacation of Plat / VP 24-02 be recorded by the applicant at the Register of Deeds' Office.

Discussion followed.

**Moved by McGregor and seconded by Kuhn to approve of Vacation of Plat / VP 24-01 with the following one (1) condition:**

1. **That all necessary resolutions for Vacation of Plat / VP 24-02 be recorded by the applicant at the Register of Deeds' Office.**

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

19. COMPREHENSIVE PLAN AMENDMENT / CA 24-03: Pactola Heights, LLC / Ben Folsland. To establish the Future Land Use of a Right-of-Way with no zone to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 15, 16, and 17 of Block 1, Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to establish the Future Land Use of a Right-of-Way with no zone to Rural Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 24-03.

Discussion followed.

**Moved by Lewis and seconded by Kuehn to approve of Comprehensive Plan Amendment / CA 24-03.**

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

20. REZONE / RZ 24-03: Pactola Heights, LLC / Ben Folsland. To rezone a Right-of-Way with no zone to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 15, 16, and 17 of Block 1, Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone a Right-of-Way with no zone to Rural Residential District.

Staff recommended approval of Rezone / RZ 24-03.

Discussion followed.

**Moved by Kuehn and seconded by Lewis to approve of Rezone / RZ 24-03.**

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

21. PRELIMINARY PLAN / PPL 24-02: Pactola Heights, LLC / Ben Folsland. To reconfigure lot lines to create Lot 4 Revised, Lot 7 Revised, Lot 10 Revised, Lot 13 Revised, Lot 15 Revised, and Lot 18 Revised of Block 1 and Lot 1 Revised and Lot 3 Revised of Block 2 in Pactola Heights Subdivision.

EXISTING LEGAL: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of Block 1 and Lots 1, 2, 3, 4, 5 and 6 of Block 2, all located in Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4 Revised, Lot 7 Revised, Lot 10 Revised, Lot 13 Revised, Lot 15 Revised, and Lot 18 Revised of Block 1 and Lot 1 Revised and Lot 3 Revised of Block 2 in Pactola Heights Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.



Talmage reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to reconfigure lots lines to create Lot 4 Revised, Lot 7 Revised, Lot 10 Revised, Lot 13 Revised, Lot 15 Revised, and Lot 18 Revised of Block 1 and Lot 1 Revised and Lot 3 Revised of Block 2 in Pactola Heights Subdivision.

Staff recommends approval of Preliminary Plan / PPL 24-02 with the following seven (7) conditions:

1. That at the time of Final Plat submittal, the certificates be in accordance with §§1702 and 1703 of the Pennington County Subdivision Regulations;
2. That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 and 602 of the Pennington County Subdivision Regulations.
3. That the applicant ensures all-natural drainage ways are maintained and not blocked;
4. That at the time of the Final Plat submittal, Chaparral Court have a minimum 55 foot turn around;
5. That at the time of Final Plat submittal, all lengths be listed.
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 Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve of Preliminary Plan / PPL 24-02 with the following seven (7) conditions:**

- 1. That at the time of Final Plat submittal, the certificates be in accordance with §§1702 and 1703 of the Pennington County Subdivision Regulations;**
- 2. That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 and 602 of the Pennington County Subdivision Regulations.**
- 3. That the applicant ensures all-natural drainage ways are maintained and not blocked;**
- 4. That at the time of the Final Plat submittal, Chaparral Court have a minimum 55 foot turn around;**
- 5. That at the time of Final Plat submittal, all lengths be listed.**

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 Preliminary Plat 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.**

**Moved by Lewis and seconded by Hadcock to wave rules to discuss similar Agenda Items #22 and #23 at the same time and to vote on each item separately. All voting aye, the Motion carried 6 to 0.**

22. COMPREHENSIVE PLAN AMENDMENT / CA 23-11: Pactola Heights, LLC / Ben Folsland. To amend Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 1, 2, 3, 13, 14, 18, 19, 20, and 21 of Block 1, Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / CA 23-11.

Discussion followed.

**Moved by Kuehn and seconded by Hadcock to approve of Comprehensive Plan Amendment / CA 23-11.**

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

23. REZONE / RZ 23-16: Pactola Heights, LLC / Ben Folsland. To rezone from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 1, 2, 3, 13, 14, 18, 19, 20, and 21 of Block 1, Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Rezone / RZ 23-16.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve of Rezone / RZ 24-03.**

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

24. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 22, 2024, Planning Commission meeting.

25. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

26. ITEMS FROM THE STAFF

A. Building Permit Report. Theunissen reviewed the January 2024 Building Permit Report.

27. ITEMS FROM THE MEMBERSHIP

Commissioner Hadcock spoke of the Planning Department's workshop and items discussed at the January 31, 2024, Board of Commissioner's meeting.

Commissioner McGregor spoke of HB-1149 regarding Vacation Home Rentals.

28. ADJOURNMENT

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

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

**The meeting adjourned at 10:34 a.m.**

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Charlie Johnson, Chairperson