

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**November 27, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 13, 2023, MINUTES  
**Moved by Kuehn and seconded by Lewis to approve the Minutes of the November 13, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by McGregor and seconded by Burton to approve the Agenda of the November 27, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Burton and seconded by Lewis to approve the Consent Agenda of the November 27, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.**

**CONSENT AGENDA**

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CUR 08-47:** Roger Stockstad. To review a single-wide manufactured home as a permanent residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

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

**To end Conditional Use Permit Review / CUR 08-47, as the use is no longer needed.**

**Vote: unanimous 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CUR 21-12**: Kent Przymus. To review a camper to be used as temporary living quarters while working on the property and the cabin during the spring, summer, and fall; up 180 days per calendar year, in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4 (also in Section 23), Block 9, Dakota Lode Subdivision, Section 14, T2N, R3E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit Review / CUR 21-12 with the applicant's concurrence.**

**Vote: unanimous 7 to 0.**

5. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PUR 22-15**: Darrell Bren. To allow an accessory structure as a primary structure on the subject property in accordance with the Pennington County Zoning Ordinance.

Tract 78R, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

**To end Minor Planned Unit Development Amendment Review / PUR 22-15, as the use is no longer needed.**

**Vote: unanimous 7 to 0.**

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

6. **CONDITIONAL USE PERMIT / CU 23-36**: Daniel and Gretchen Thibault. To allow a Guest House on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

E1/2NW1/4 Less PT Lot 1-3, Section 10, T1S, R6E, BHM, Pennington County, South Dakota.

Phillip reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Guest House on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-36 with the following ten (10) conditions:

- 1 That the primary residence be continually classified as owner-occupied; applied for on or before November 1<sup>st</sup> and proof of status be provided to the Planning Department upon request, in accordance with PCZO Section 318(B)(10);
- 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, prior to the issuance of a Building Permit for the main structure, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence;
- 4 That the Guest House shall not be used for more than 180 days per calendar year;
- 5 That the On-site Wastewater Treatment System continue to remain in compliance with PCZO Section 204(J);
- 6 That the addresses assigned for the primary residence and the Guest House continue to be posted on each structure at all times and must be posted where the primary access to those homes intersects with Boulder Hill Road, in accordance with Pennington County Ordinance #20;
- 7 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;
- 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;
- 9 That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO Section 318; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Lewis and seconded by Kuehn to approve of Conditional Use Permit / CU 23-35 with the following ten (10) conditions:**

- 1 That the primary residence be continually classified as owner-occupied; applied for on or before November 1<sup>st</sup> and proof of status be provided to the Planning Department upon request, in accordance with PCZO Section 318(B)(10);**

- 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, prior to the issuance of a Building Permit for the main structure, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence;
- 4 That the Guest House shall not be used for more than 180 days per calendar year;
- 5 That the On-site Wastewater Treatment System continue to remain in compliance with PCZO Section 204(J);
- 6 That the addresses assigned for the primary residence and the Guest House continue to be posted on each structure at all times and must be posted where the primary access to those homes intersects with Boulder Hill Road, in accordance with Pennington County Ordinance #20;
- 7 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;
- 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;
- 9 That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO Section 318; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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

7. PRELIMINARY PLAN / PPL 23-24: Marjorie Helgeson; Davis Engineer - Agent. To reconfigure lot lines in order to create Tract A Revised and Tract B Revised of Alma Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL14 Less Payton Addition and Less ROW; GL 6 Less Lot 1, 2, and 3 and Less ROW; Lot 3 of SE1/4SW1/4, NE1/4NW1/4 (Also in Section 10); and Tract A of Alma Subdivision, all located in Section 3, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A Revised and Tract B Revised of Alma Subdivision, Sections 3 and 10, T1S, R6E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to reconfigure lot lines in order to create Tract A Revised and Tract B Revised of Alma Subdivision.

Staff recommended approval of Preliminary Plan / PPL 23-24 with the following six (6) conditions:

1. That at the time of Final Plat submittal, the certificates be in accordance with Sections 1701 and 1703;
2. That at the time of Final Plat submittal, the plat meets the requirements of Sections 601 and 602 of the Pennington County Subdivision Regulations.
3. That prior to Final Plat submittal, all properties obtain valid Operating Licenses.
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 Burton and seconded by Hadcock to approve of Preliminary Plan / PPL 23-24 with the following seven (7) conditions:**

- 1. That at the time of Final Plat submittal, the certificates be in accordance with Sections 1701 and 1703;**
- 2. That at the time of Final Plat submittal, the plat meets the requirements of Sections 601 and 602 of the Pennington County Subdivision Regulations.**
- 3. That prior to Final Plat submittal, all properties obtain valid Operating Licenses.**
- 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;**
6. **That, prior to Final Plat submittal, the existing access easement providing access to proposed Tract A Revised is noted correctly on the plat and the surveyed boundary pin marker located in the upper northwest Section 1/4 line for proposed Tract A Revised is noted correctly on the plat; 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 7 to 0.**

**Moved by Burton and seconded by Hadcock to wave rules to discuss similar Agenda Items #8 and #9 at the same time and to vote on each item separately. All voting aye, the Motion carried 7 to 0.**

8. COMPREHENSIVE PLAN AMENDMENT / CA 23-11: Pactola Heights. To amend the 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, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Block 1; Lot W of Block 1; and Lots 1, 2, 3, 4, 5 and 6 of Block 2, and all located in Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2023, Planning Commission meeting.)

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

Staff recommended denial of Comprehensive Plan Amendment / CA 23-11 without prejudice, as the roads do not support Low Density Residential.

Discussion followed.

**Moved by Hadcock and seconded by Burton to deny without prejudice Comprehensive Plan Amendment / CA 23-11, as the roads do not support the Low Density Residential.**

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

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

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

(Continued from the November 13, 2023, Planning Commission meeting.)

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 denial of Rezone / RZ 23-16, without prejudice, as the roads do not support Low Density Residential.

Discussion followed.

**Moved by Burton and seconded by Hadcock to deny without prejudice Rezone / RZ 23-16, as the roads do not support Low Density Residential.**

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

10. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 13, 2023, Planning Commission meeting.

Ordinance Amendment / OA 23-01: To amend Section 319 Vacation Home Rental was denied by the Board of Commissioners.

11. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

12. ITEMS FROM THE STAFF

There were no items from the Staff.

13. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

14. ADJOURNMENT

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

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

**The meeting adjourned at 10:22 a.m.**

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Charlie Johnson, Chairperson