

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

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Jason Theunissen, Megan Talmage, Kelsey Rausch, Jeri Ervin, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE MARCH 25, 2024, MINUTES
Moved by McGregor and seconded by Burton to approve the Minutes of the March 25, 2024, 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 April 8, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.
3. APPROVAL OF THE CONSENT AGENDA
Moved by McGregor and seconded by Coleman to approve the Consent Agenda of the April 8, 2024, Planning Commission meeting, with the removal of Item #4 and Item #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 22-01:** Eric and Stephanie Thompson. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 22-01 with the following sixteen (16) conditions:

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

2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 22-01, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 3 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner, and parking in the road Right-of-Way is not allowed;
10. That prior to an operation, an interior informational sign be 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;
11. That the lot address (23844 Deegan Drive) be posted on the residence at all times and at the driveway where it intersects Pioneer Circle, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

13. That if the person designated as the Local Contact is ever changed from Budi Kusser, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That an approved 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,
16. That this Conditional Use Permit be reviewed in three (3) 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.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 22-49**: Leslie and Tina Wasson. To review a caregiver's residence on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

W171.68 of E314.5 of Lot 2, Block 1, Ashland Subdivision, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the March 25, 2021, Planning Commission meeting.)

To approve of Conditional Use Permit Review / CUR 22-49 with the following eight (8) conditions:

1. That the addresses for both the single-family residence and the proposed caregiver's residence continue to be posted on each residence and so that they can be seen from both directions of travel on Hickory Drive in accordance with Pennington County's Ordinance #20;
2. That an approved On-Site Wastewater Construction Permit be obtained prior to any alterations or additions to the existing On-Site Wastewater Treatment Systems on the property;
3. 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;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or a setback Variance be obtained;

5. That the caregiver's residence uses the existing approach off of Hickory Drive and no additional approach is allowed;
6. That the subject property remains free of debris and junk vehicles;
7. That once care is no longer needed, either the caregiver's residence be removed from the subject property, or the kitchen and living quarters removed from the main residence to allow the structure to remain as personal storage, or the subject property is subdivided so that each residence is on a separate lot; and,
8. That this Conditional Use Permit be reviewed in three (3) years, 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. **CONDITIONAL USE PERMIT REVIEW / CUR 23-03**: Gerald and Julie Burdick. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 5, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-03 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the SD Department of Agriculture and Natural Resources (SD DANR), be limited to eight people and the maximum daytime occupancy be limited to sixteen people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
3. That the use of open fires, fireworks, charcoal burning grills, gas fired grills, or other devices shall not be allowed without permission from the Property Manager or Owner;
4. That the applicant provide the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restrictions, as pertaining to the use of a fire pit or any other burning.
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;

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 one off-street parking space per bedroom be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (8003 Croyle Avenue) continue to be posted on the residence at all times and so that it can be seen from both directions of travel on Croyle Avenue, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures 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 Kreman Realty, LLC, the interior informational sign be updated and the applicant re-notify the Planning Department 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 future 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 three 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.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

4. CONDITIONAL USE PERMIT REVIEW / CUR 20-21: Pacific Properties, LLC; Tamra Backes. To review a mobile home park in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3 of Lot G of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested this Item be removed from the Consent Agenda for discussion.

Staff recommend approval of Conditional Use Permit Review / CUR 20-21 with fourteen (14) conditions.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve of Conditional Use Permit Review / CUR 20-21 with the following fourteen (14) conditions:

- 1. That the mobile home park has a maximum of 52 mobile home spaces;**
- 2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide, governor's home);**
- 3. That the mobile homes shall have a minimum 20-foot setback on the front, side, and rear to other units;**
- 4. That decks and/or porches be allowed as an accessory structure to each mobile home;**
- 5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park;**
- 6. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;**
- 7. That a "no fee" Building Permit shall be obtained for the removal of mobile homes on the property;**
- 8. That the addition of accessory structures (i.e., decks, sheds, additions to mobile home) exceeding 144 square feet or on a permanent foundation shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;**
- 9. That the mobile homes are addressed based on the new lots assignments and the address is posted on the mobile homes in accordance in Ordinance #20;**
- 10. That prior to approval of any Building Permit, the applicant submits a new site plan showing the location of each mobile homes on each lot;**

11. That the mobile home park be provided with an on-site management office and that said Manager's Office be marked and contact information posted;
12. That all the interior streets shall be a minimum of 20 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
13. That the mobile home park continually meets the requirements of Section 305 of the Pennington County Zoning Ordinance; and, That the mobile home park continually meets the requirements of Section 305 of the Pennington County Zoning Ordinance; and,
14. That this Conditional Use Permit be reviewed in 5 years, 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.

All voting aye, the Motion carried 6 to 0.

8. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PUR 22-16: Black Hills Weddings, LLC / Andy and Jen Pfister. To review a Planned Unit Development Overlay for a Specialty Resort in accordance with the Pennington County Zoning Ordinance.

Lot 1R, CL Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Staff requested this Item be removed from the Consent Agenda for discussion.

Staff recommend approval of Planned Unit Development Overlay Review / PUR 22-16 with sixteen (16) conditions.

Discussion followed.

Moved by Burton and seconded by McGregor to approve of Planned Unit Development Overlay Review / PUR 22-16 with the following sixteen (16) conditions:

1. That the permitted use allows a wedding venue, event structure, chapel, office, and caretakers residence, and any use that is a use by right in a Highway Service District;
2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That all-natural drainage paths be continually maintained;
4. That an address be assigned and posted on the venue so it is clearly visible, in accordance with Pennington County Ordinance #20;

5. That access to the site be only from the approved South Dakota Department of Transportation (SDDOT) approach and if any future warrants are met, turning lanes be installed, per SDDOT comments;
6. That off-street parking is provided in accordance with Pennington County Zoning Ordinance (PCZO) §310(A)(9)(z)(ff);
7. That all onsite wastewater treatment systems 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 PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
8. That the hours of operation, for the above-mentioned venue/event center, shall be between 8:00 a.m. and 12:00 a.m. only and that quiet hours be from 12:00 a.m. to 8:00 a.m.;
9. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;
10. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
11. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
12. That the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;
13. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License;
14. 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;
15. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,

16. **That this Planned Unit Development Overlay be reviewed in 3 years, 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 / COCU 24-0007: Andrew and Karla Schneider. To allow an Accessory Dwelling Unit to be located in a detached garage on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1 of Block B of NE1/4NW1/4; Lot 3 of Block B of NE1/4NW1/4, Section 5, T2S, R9E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an Accessory Dwelling Unit.

Staff recommended approval of Conditional Use Permit / COCU 24-0007 with the following seventeen (17) 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 a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with Nameless Cave 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 the power line easement, for the existing powerlines, is provided with the building permit so the ADU and garage will not be constructed within this easement.
8. That within 6 months, the applicant resolves COVO24-0022;
9. 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;
10. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;

11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
13. That at least 1 off-street parking space be provided for the ADU;
14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
15. 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;
16. That prior to the submittal of a Building Permit for the ADU, the applicants obtain approval of the second approach or it is removed per County Highway Department, comments in this report; and,
17. That this Conditional Use Permit be reviewed in one (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 Lewis and seconded by Burton to approve of Conditional Use Permit / COCU 24-0007 with the following seventeen (17) 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 a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with Nameless Cave 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 the power line easement, for the existing powerlines, is provided with the building permit so the ADU and garage will not be constructed within this easement.**

8. That within 6 months, the applicant resolves COVO24-0022;
9. 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;
10. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
13. That at least 1 off-street parking space be provided for the ADU;
14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
15. 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;
16. That prior to the submittal of a Building Permit for the ADU, the applicants obtain approval of the second approach or it is removed per County Highway Department, comments in this report; and,
17. That this Conditional Use Permit be reviewed in one (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.

10. CONDITIONAL USE PERMIT / COCU 24-0009: Hadly Eisenbeisz and Kristin Brost. To allow an Efficiency Dwelling on the subject property in an Agriculture District accordance with the Pennington County Zoning Ordinance.

High No. 4 Lode MS 1948, Sections 25 and 36, T2N, R4E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an Efficiency Dwelling.

Staff recommended approval of Conditional Use Permit / COCU 24-0009 with the following fourteen (14) conditions:

1. That the address assigned to the property, 9612 Silber City Road, be posted on the residence and at the end of the driveway where it intersects with Silver City Road in accordance with Pennington County Ordinance #20;
2. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
3. That 58-foot Section Line setback be maintained on the property or the appropriate Variance(s) be obtained, § 204 of the Pennington County Zoning Ordinance (PZCO);
4. 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;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the PCZO;
6. That U.S. Forest Service comments included in this report be adhered to at all times;
7. 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;
8. That all necessary permits are obtained prior to any additions/alterations to the Efficiency Dwelling or additions/alterations to the OSWTS;
9. That the applicant adheres to § 330 of the PCZO - Efficiency Dwellings;
10. That the applicant adheres to § 510 of the PCZO - Conditional Use Permits;
11. That the applicant obtains an approved Building Permit for the unpermitted deck, and pays the applicable penalty fees associated with the Building Permit;
12. That an approved OSWTS Construction Permit for the grey water tank be obtained;
13. That the applicant submits a floorplan meeting § 330 requirements and obtains an approved Building Permit for finished space prior to finishing space within the Efficiency Dwelling; and,
14. 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 Burton and seconded by Lewis to approve of Conditional Use Permit / COCU 24-0009 with the following fourteen (14) conditions:

- 1. That the address assigned to the property, 9612 Silber City Road, be posted on the residence and at the end of the driveway where it intersects with Silver City Road in accordance with Pennington County Ordinance #20;**
- 2. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**
- 3. That 58-foot Section Line setback be maintained on the property or the appropriate Variance(s) be obtained, § 204 of the Pennington County Zoning Ordinance (PZCO);**
- 4. 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;**
- 5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the PCZO;**
- 6. That U.S. Forest Service comments included in this report be adhered to at all times;**
- 7. 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;**
- 8. That all necessary permits are obtained prior to any additions/alterations to the Efficiency Dwelling or additions/alterations to the OSWTS;**
- 9. That the applicant adheres to § 330 of the PCZO - Efficiency Dwellings;**
- 10. That the applicant adheres to § 510 of the PCZO - Conditional Use Permits;**
- 11. That the applicant obtains an approved Building Permit for the unpermitted deck, and pays the applicable penalty fees associated with the Building Permit;**
- 12. That an approved OSWTS Construction Permit for the grey water tank be obtained;**
- 13. That the applicant submits a floorplan meeting § 330 requirements and obtains an approved Building Permit for finished space prior to finishing space within the Efficiency Dwelling; and,**
- 14. 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 6 to 0.

11. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / COPU 24-0003: Paul and Ella Linde. To live in a Recreational Vehicle, while building a residence on the subject property in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Block 1, Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Minor Planned Unit Development Amendment to live in an RV while building a residence.

Staff recommended approval of Minor Planned Unit Development Amendment / COPU24-0003 with the following twenty-one (21) conditions:

1. That there be no more than one (1) RV allowed to be utilized as temporary living quarters on the subject property;
2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
3. That the RV be hooked to the approved On-Site Wastewater Treatment System (OSWTS);
4. That an address 24346 Eleanor Drive be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Eleanor Drive, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of twenty-five (25) feet be maintained on the subject property;
6. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
7. 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;
8. That the property remains free of debris and junk vehicles;
9. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
10. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;
11. That all single-family residences be constructed on lots containing three acres or more;

12. That a minimum of 9.67 acres of common area be provided;
13. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
14. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
15. That no structures have wood shakes;
16. That all fire hydrants in the Neighborhood Commercial area in Phase III have adequate flows;
17. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
18. That Tract 12 and 14 be allowed to be re-platted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
19. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
20. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
21. That this Major Planned Unit Development Amendment 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 Hadcock and seconded by Burton to approve of Minor Planned Unit Development Amendment / COPU24-0003 with the following twenty-one (21) conditions:

- 1. That there be no more than one (1) RV allowed to be utilized as temporary living quarters on the subject property;**
- 2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;**
- 3. That the RV be hooked to the approved On-Site Wastewater Treatment System (OSWTS);**

4. That an address 24346 Eleanor Drive be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Eleanor Drive, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of twenty-five (25) feet be maintained on the subject property;
6. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
7. 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;
8. That the property remains free of debris and junk vehicles;
9. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
10. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;
11. That all single-family residences be constructed on lots containing three acres or more;
12. That a minimum of 9.67 acres of common area be provided;
13. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
14. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
15. That no structures have wood shakes;
16. That all fire hydrants in the Neighborhood Commercial area in Phase III have adequate flows;
17. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
18. That Tract 12 and 14 be allowed to be re-platted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;

19. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
20. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
21. That this Major Planned Unit Development Amendment 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 6 to 0.

12. PLANNED UNIT DEVELOPMENT OVERLAY / COPU 24-0001: Michael Vallone; Provallone, LLC. To allow a Specialty Resort on the subject property in a Highway Service District and Agriculture District in accordance with the Pennington County Zoning Ordinance.

PT NE1/4SE1/4 E of Highway, Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Planned Unit Development Overlay to allow a Specialty Resort.

Staff recommended approval of Planned Unit Development Overlay / COPU 24-0001 with the following thirty-nine (39) conditions:

1. That the approved uses of the Specialty Resort include: 6 cabin rentals, 7 glamping sites (tents on permanent deck foundation), observation deck, caretaker's residence, bath house, playground, cooking area and a reunion/wedding/recreation venue;
2. That the property is rezoned entirely to Agriculture or Highway Service within 90 days of approval of this PUD Overlay District;
3. That the section line right-of-way be improved to Ordinance 14 Standards for the applicable zoning district;
4. That a turnaround is constructed at the end of the section line road in accordance with Ordinance 14 standards.
5. That a Road Construction within a Section Line Right-of-Way application be submitted and approved by the Board of Commissioners;

6. That a Right-of-Way Permit application be submitted and approved by the City of Rapid City for the portion of the section line located within city limits;
7. That prior to operation, the section line road be named and all addresses be posted on each structure so they are visible from the section line road;
8. That the applicants obtain an approved Approach Permit from the County Highway Department for any approaches taken off of the section line right-of-way;
9. That the applicants obtain an approved Approach Permit from the City of Rapid City for the section line right-of-way road taking access off of Sammis Trail;
10. That access for the caretaker's residence be taken off of the access easement located in the S. Highway 16 right-of-way and additional easement documentation be filed with the Register of Deeds for this access;
11. That the interior driveways not be officially named by the County and no traditional street name signs be allowed within the development;
12. 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;
13. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
14. That all-natural drainage paths be continually maintained;
15. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
16. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
17. That each rental cabin and glamping site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
18. 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;
19. That all parking for the cabins and glamping sites follow Pennington County Zoning Ordinance (PCZO) § 310;
20. That the occupancy for the reunion/wedding/recreation venue be limited to 225 persons or the number of parking spaces at a 1:3 ratio, whichever is less;
21. That the reunion/wedding/recreation venue provide no less than 1 parking spaces per 3 persons of occupancy, the parking spaces be located within 200 feet of the venue and each parking space measure a minimum of 9 feet by 18 feet and be maintained in a dust-free manner;

22. That a parking plan be submitted for the reunion/wedding/recreation venue at the time of Building Permit submittal for the venue;
23. That the structure for the reunion/wedding/recreation venue meet all current International Building Code and National Fire Protection Association Codes and Standards for a Group A-2 Occupancy building. This may include, but is not limited to, the requirement for a fire sprinkler system, exits signs, and panic doors;
24. That the hours of operation, for the above-mentioned venue, shall be between 7:00 a.m. and 11:00 p.m. only and that quiet hours be from 11:00 p.m. to 7:00 a.m.;
25. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;
26. That prior to operation of the reunion/wedding/recreation venue, the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;
27. That quiet hours in the Specialty Resort be from 11:00 p.m. to 7:00 a.m.;
28. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
29. That any cabin rental within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
30. That a smoke detector be placed in each sleeping room utilized for a cabin rental, with a minimum of at least 1 smoke detector per floor;
31. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
32. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of each rental (includes glamping tents) so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
33. That the maximum number of people staying at any cabin rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
34. That the applicants comply with South Dakota Codified Law 34-18;
35. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the City of Rapid City and South Dakota Department of Agriculture and Natural Resources and must adhere to South Dakota Administrative Rules 74:53:01, at a minimum;

36. That setbacks for all structures shall comply with those required in the applicable zoning district;
37. That building plans for the venue be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
38. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
39. That this Planned Unit Development Overlay be reviewed in 1 year, 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 Hadcock and seconded by McGregor to approve of Planned Unit Development Overlay / COPU 24-0001 with the following thirty-nine (39) conditions:

- 1. That the approved uses of the Specialty Resort include: 6 cabin rentals, 7 glamping sites (tents on permanent deck foundation), observation deck, caretaker's residence, bath house, playground, cooking area and a reunion/wedding/recreation venue;**
- 2. That the property is rezoned entirely to Agriculture or Highway Service within 90 days of approval of this PUD Overlay District;**
- 3. That the section line right-of-way be improved to Ordinance 14 Standards for the applicable zoning district;**
- 4. That a turnaround is constructed at the end of the section line road in accordance with Ordinance 14 standards.**
- 5. That a Road Construction within a Section Line Right-of-Way application be submitted and approved by the Board of Commissioners;**
- 6. That a Right-of-Way Permit application be submitted and approved by the City of Rapid City for the portion of the section line located within city limits;**
- 7. That prior to operation, the section line road be named and all addresses be posted on each structure so they are visible from the section line road;**
- 8. That the applicants obtain an approved Approach Permit from the County Highway Department for any approaches taken off of the section line right-of-way;**

9. That the applicants obtain an approved Approach Permit from the City of Rapid City for the section line right-of-way road taking access off of Sammis Trail;
10. That access for the caretaker's residence be taken off of the access easement located in the S. Highway 16 right-of-way and additional easement documentation be filed with the Register of Deeds for this access;
11. That the interior driveways not be officially named by the County and no traditional street name signs be allowed within the development;
12. 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;
13. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
14. That all-natural drainage paths be continually maintained;
15. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
16. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
17. That each rental cabin and glamping site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
18. 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;
19. That all parking for the cabins and glamping sites follow Pennington County Zoning Ordinance (PCZO) § 310;
20. That the occupancy for the reunion/wedding/recreation venue be limited to 225 persons or the number of parking spaces at a 1:3 ratio, whichever is less;
21. That the reunion/wedding/recreation venue provide no less than 1 parking spaces per 3 persons of occupancy, the parking spaces be located within 200 feet of the venue and each parking space measure a minimum of 9 feet by 18 feet and be maintained in a dust-free manner;
22. That a parking plan be submitted for the reunion/wedding/recreation venue at the time of Building Permit submittal for the venue;
23. That the structure for the reunion/wedding/recreation venue meet all current International Building Code and National Fire Protection Association Codes and Standards for a Group A-2 Occupancy building. This may include, but is not limited to, the requirement for a fire sprinkler system, exits signs, and panic doors;

24. That the hours of operation, for the above-mentioned venue, shall be between 7:00 a.m. and 11:00 p.m. only and that quiet hours be from 11:00 p.m. to 7:00 a.m.;
25. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;
26. That prior to operation of the reunion/wedding/recreation venue, the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;
27. That quiet hours in the Specialty Resort be from 11:00 p.m. to 7:00 a.m.;
28. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
29. That any cabin rental within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
30. That a smoke detector be placed in each sleeping room utilized for a cabin rental, with a minimum of at least 1 smoke detector per floor;
31. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
32. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of each rental (includes glamping tents) so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
33. That the maximum number of people staying at any cabin rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
34. That the applicants comply with South Dakota Codified Law 34-18;
35. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the City of Rapid City and South Dakota Department of Agriculture and Natural Resources and must adhere to South Dakota Administrative Rules 74:53:01, at a minimum;
36. That setbacks for all structures shall comply with those required in the applicable zoning district;

37. That building plans for the venue be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
38. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
39. That this Planned Unit Development Overlay be reviewed in 1 year, 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.

Moved by Lewis and seconded by Burton to wave rules to discuss similar Agenda Items #13, #14, #15, and #16 at the same time and to vote on each item separately. All voting aye, the Motion carried 6 to 0.

13. PRELIMINARY PLAN / COPPL 24-0004: Pactola Heights, LLC / Ben Folsland. 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 in accordance with the Pennington County Subdivision Regulations.

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 applicants have applied for a Preliminary Plan to reconfigure lot lines.

Staff recommended approval of Preliminary Plan / COPPL 24-0004, with the following eight (8) 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 the applicant ensures all natural drainage ways are maintained and not blocked;
4. That at the time of the Final Plat submittal, Chaparral Ct have a minimum 55-foot radius, or a turnaround that meets Ordinance 14 Standards;

5. That at the time of the Final Plat submittal, the turnaround on Big Game Drive meets Ordinance 14 Standards;
6. That at the time of Final Plat submittal, all lengths be listed;
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 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 Lewis to approve of Preliminary Plan / COPPL 24-0004, with the following eight (8) 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 the applicant ensures all natural drainage ways are maintained and not blocked;**
- 4. That at the time of the Final Plat submittal, Chaparral Ct have a minimum 55-foot radius, or a turnaround that meets Ordinance 14 Standards;**
- 5. That at the time of the Final Plat submittal, the turnaround on Big Game Drive meets Ordinance 14 Standards;**
- 6. That at the time of Final Plat submittal, all lengths be listed;**
- 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 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.

14. VACATION OF PLAT / COVP 24-0004: Pactola Heights, LLC / Ben Folsland. To vacate a portion of platted right-of-way along Chaparral Drive adjacent to Lot 14, Block 1, Pactola Heights Subdivision.

Lot 14, Block 1, Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicants have applied for a Vacation of Plat to vacate a portion of platted right-of-way along Chaparral Drive adjacent to Lot 14, Block 1, Pactola Heights Subdivision.

Staff recommended approval of Vacation of Plat / COVP24-0004 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 / COVP24-0004 be recorded by the applicant at the Register of Deeds' Office.

Moved by Burton and seconded by Lewis to approve of Vacation of Plat / COVP24-0004 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 / COVP24-0004 be recorded by the applicant at the Register of Deeds' Office.**

All voting aye, the Motion carried 6 to 0.

15. COMPREHENSIVE PLAN AMENDMENT / COCA 24-0004. Pactola Heights, LLC / Ben Folsland. To establish the Future Land Use of a Right-of-Way with no zone to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Commencing at the Southwest corner of Lot 15 of Block 1 of Pactola Heights Subdivision, Corner #1, which is a 5/8 rebar with an aluminum survey cap marked "Francis-Meador #1019, which is the POINT OF BEGINNING; Thence EAST - a distance of 184.51 feet to Corner No.2, which is the TRUE POINT OF BEGINNING; Thence S 64° 01' 26" E - a distance of 67.94' feet to Corner No. 3; Thence S 06° 30' 00" W - a distance of 266.77' feet to Corner No. 4; Thence N 83° 30' 00" W - a distance of 66.00' feet to Corner No. 5; Thence N 06° 30' 00" E - a distance of 266.77' feet to Corner No. 6; Thence Northeasterly along a curve with a Chord Bearing of N 11° 24' 48" E, a Chord distance of 22.73' feet, a Radius of 133.00 feet, and a curve length of 22.75' feet to Corner No 2 which is the TRUE POINT OF BEGINNING, containing 18361 Sq Ft / 0.422 Acres "more or less", located in the SW1/4 of SE1/4 of 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 Low Density Residential District.

Staff recommended approval of Comprehensive Plan Amendment / COCU 24-0004.

McGregor and seconded by Burton to approve of Comprehensive Plan Amendment / COCU 24-0004.

All voting aye, the Motion carried 6 to 0.

16. REZONE / CORZ 24-0005. Pactola Heights, LLC / Ben Folsland. To rezone a Right-of-Way with no zone to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Commencing at the Southwest corner of Lot 15 of Block 1 of Pactola Heights Subdivision, Corner #1, which is a 5/8 rebar with an aluminum survey cap marked "Francis-Meador #1019, which is the POINT OF BEGINNING; Thence EAST - a distance of 184.51 feet to Corner No.2, which is the TRUE POINT OF BEGINNING; Thence S 64° 01' 26" E - a distance of 67.94' feet to Corner No. 3; Thence S 06° 30' 00" W - a distance of 266.77' feet to Corner No. 4; Thence N 83° 30' 00" W - a distance of 66.00' feet to Corner No. 5; Thence N 06° 30' 00" E - a distance of 266.77' feet to Corner No. 6; Thence Northeasterly along a curve with a Chord Bearing of N 11° 24' 48" E, a Chord distance of 22.73' feet, a Radius of 133.00 feet, and a curve length of 22.75' feet to Corner No 2 which is the TRUE POINT OF BEGINNING, containing 18361 Sq Ft / 0.422 Acres "more or less", located in the SW1/4 of SE1/4 of 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 Low Density Residential District.

Staff recommended approval of Rezone / CORZ 24-0005.

Moved by Burton and seconded by Lewis to approve of Rezone / CORZ 24-0005.

All voting aye, the Motion carried 6 to 0.

17. EXECUTIVE SESSION.

Executive Sessions was not needed.

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 25, 2024, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken.

20. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for March 2025.

21. ITEMS FROM THE MEMBERSHIP

Chairman Johnson provided the Planning Commission with an update on Conditional Use Permit 23-32 Saint Patrick, LLC.

22. ADJOURNMENT

Moved by Burton and seconded by McGregor to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:38 a.m.

Charlie Johnson, Chairperson