

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 9, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Lori Litzen, Mikal Lewis, Kevin Kuehn, John Santana, and Travis Lasseter.

STAFF PRESENT: Brittney Molitor, Kelsey Rausch, Megan Talmage, Jeri Ervin, Jason Theunissen, Cody Sack, TJ Doreff, and Alexa Moeller (Deputy State's Attorney).

ROLL CALL

1. APPROVAL OF THE NOVEMBER 25, 2024, MINUTES
Moved by Litzen and seconded by Johnson to approve the Minutes of the November 25, 2024, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by Kuehn to approve the Agenda of the December 9, 2024, Planning Commission meeting. Vote: unanimous 7 to 0.

3. APPROVAL OF THE CONSENT AGENDA
Moved by Kuehn and seconded by Litzen to approve the Consent Agenda of the November 25, 2024, 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.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 18-26:** Kelly and Brenda Hansen.
To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property and to also allow the Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 3, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CUR 18-26 with the applicant's concurrence.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 19-08**: Jeffrey Scherr. To review living in a Recreational Vehicle (camper) while building a single-family residence on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot D2 Revised of Lot 17, Fort Mead Placer MS 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CUR 19-08 with the applicant's concurrence.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 22-05**: Scott and Brooke Sturlaugson. To review living in a Recreational Vehicle while building a single-family residence on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 18, Ridgeland Heights Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CUR 22-05, as the use is no longer required.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CUR 22-20**: Shawn and Kelly Dahl. To review living in a Recreational Vehicle less than 180 days in a calendar year in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

W1/2NE1/4, Section 20, T2N, R11E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CUR 22-20 with the applicant's concurrence.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CUR 23-35**: Glynda Rahn. To review an Efficiency Dwelling Unit on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3, Rahn Subdivision, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 23-35 with the following ten (10) conditions:

1. **That only 1 efficiency dwelling be allowed;**
2. **That the Efficiency Dwelling maintains a residential appearance;**

3. That the Efficiency Dwelling *not* exceed 400 square feet;
4. That the address assigned to the efficiency dwelling be posted on the structure, and where the driveway intersects Neck Yoke Road 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/ alterations to the Efficiency Dwelling or additions/alterations to the OSWTS;
7. That at least 2 off-street parking spaces be provided for the efficiency dwelling;
8. That the Efficiency Dwelling be continually utilized and maintained in accordance with all requirements of § 330 of the PCZO;
9. 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
10. That this Conditional Use Permit be reviewed in 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.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CUR 22-38:** Andrew Evens. To review accessory structures, a shop building and loafing shed, prior to a primary structure on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Aldren Addition, Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

To approve Conditional Use Permit Review / CUR 22-38 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for the proposed shop building and loafing shed, which requires a site plan to be reviewed and approved by the Planning Director;
2. That an address be assigned for the proposed shop building and loafing shed and be properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Highway 1416;

3. That the applicant obtains an approved Approach Permit from the Pennington County Highway Department;
4. That the proposed shop and loafing shed be used for personal use only no commercial-type use is allowed;
5. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the property remains free of junk and debris;
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 applicant adheres to Pennington County Zoning Ordinance Section 510; and,
9. That this Conditional Use Permit be reviewed in 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.

Vote: unanimous 7 to 0.

10. **MAJOR PLANNED UNIT DEVELOPMENT OVERLAY AMENDMENT REVIEW / PUR 19-09:** Donna Hartshorn. To review an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Major Planned Unit Development Overlay Amendment Review / PUR 19-09 with the following twenty-five (25) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand's residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;

2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That the Planned Unit Development be considered an overlay zoning district; whereby; the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;
4. That the applicant notifies the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;
5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;
6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;
7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance, and a parking site plan shall be submitted showing each designated parking space for the three lots and the applicant shall place signage stating that there is no parking on the road and in the easement;
9. That the internal driveway continue to be eighteen (18) feet wide;
10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;
11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;
13. That the applicant maintain directional signs along the in-use access roads to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and 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;
16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;
17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;
18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;
19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;
20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;
21. That prior to the placement of any on-premise signs, the applicant must adhere to §312 of the Pennington County Zoning Ordinance;
22. That an approved 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;

23. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses, as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary; and,
25. That Major Planned Unit Development Amendment / PUD 19-09 be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

11. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PUR 21-16:** Carol and Daniel Cooper. To review an existing Planned Unit Development to allow an accessory structure, a garage, as a primary structure on the subject property in accordance with the Pennington County Zoning Ordinance.

Tract 60, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To approve Minor Planned Unit Development Overlay Amendment Review / PUR 21-16 with the following fourteen (14) conditions:

1. 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;
2. 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;
3. That all single-family residences be constructed on lots containing three acres or more;
4. That a minimum of 9.67 acres of common area be provided (Effective 01/12/2022);
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;

8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
10. 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;
11. 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;
12. That an accessory structure, a garage, may be used as a primary structure on Tract 60; and,
13. 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.
14. That this Minor Planned Unit Development Overlay Amendment be reviewed on a complaint basis or as directed by the Planning Commission.

Vote: unanimous 7 to 0.

12. **MAJOR PLANNED UNIT DEVELOPMENT OVERLAY AMENDMENT REVIEW / PUR 23-02:** Katie Smirnova and Brett Walfish. To review an existing Planned Unit Development Overlay to allow a Specialty Resort in accordance with the Pennington County Zoning Ordinance.

Lot C2, Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Major Planned Unit Development Overlay Amendment Review / PUR 23-02 with the following twenty-five (25) conditions:

1. That the approved uses include: practice cabins to be used for daily practices, music rehearsals and music coaching, an educational music school/camp, a single-family residence to also be used as a Bed and Breakfast or lodging facility for music camp attendees and performance/showcase events for the Rushmore Music Festival Board of Directors;
2. That there be no more than 10 practice cabins;
3. That there be no more than two music camps per calendar year not to exceed 30 people including the residents;

4. That there be no more than 10 events per calendar year and that:
 - a. no more than one event occurs per month;
 - b. no more than two fundraiser performances/showcase events occur per year, with attendance limited to 100 individuals; and,
 - c. no more than eight performance/showcase events per year, with attendance limited to 50 individuals.
5. That the number of guests staying in the Bed and Breakfast is not to exceed 20 guests from no more than three separate groups;
6. That at the time of sale or transfer of the property, the PUD will only transfer to the current applicant, their heirs, or the Rushmore Music Festival, with Rushmore Music Festival being the only organization allowed to use the property through the PUD. Otherwise, the PUD will automatically end;
7. That if the Rushmore Music Festival ceases the property's use and the PUD is ended, all accessory structures (practice cabins) will be removed from the property prior to closing;
8. That the unit numbers be assigned to each individual practice cabin and be posted on the cabin and inside the cabin;
9. That the address for the main house continue to be posted on the residence, so that it is visible from both directions of travel on Klondike Road, in accordance with Pennington County's Ordinance #20;
10. That the Bed and Breakfast meet § 323 (PCZO);
11. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance § 310 and that a parking plan is submitted to the Planning Department prior to operation of the music camp or Bed and Breakfast;
12. That the applicant maintains all necessary permits from other governing bodies for the operation of the Bed and Breakfast, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. 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 and that a copy of said plan be provided to the Planning Department;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;

15. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures and that the existing turn outs and work be stabilized and replanted to prevent continued erosion, soil movement and damage to the surrounding property and the road;
16. 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;
17. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
18. That quiet hours be between 10 p.m. and 8 a.m.;
19. That daily operations be conducted by the owners, on-site manager, and staff of the Rushmore Music Festival or their heirs or subsidiaries;
20. That the applicants comply with South Dakota Codified Law 34-18;
21. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with Pennington County Zoning Ordinance (PCZO) § 331 and South Dakota Administrative Rules 74:53:01;
22. That there is legal access to the property for the requested uses unless otherwise determined by a court;
23. That any “significant change”, including but not limited to, the use or impacts on adjacent land or access road, the increase in the number of guests permitted to stay at the bed and breakfast, an increase in the number of attendees or the frequency of music camps or performances/showcases, the increase in the number of structures, and/or as required by PCZO §216, shall require an amendment to this Planned Unit Development Overlay;
24. That the library only be used by the owners and the participants of Rushmore Music Festival; and,
25. That this Planned Unit Development be reviewed annually, 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

13. CONDITIONAL USE PERMIT / COCU 24-0034: Bradley and Debra Doerr. To allow the use of a proposed tiny home as an Accessory Dwelling Unit in Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4, Block 1, Palmer Subdivision Addition, Section 14, T2N, R6E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow the use of a proposed tiny home as an Accessory Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0034 with the following sixteen (16) conditions:

1. That only one Accessory Dwelling Unit (ADU) is allowed;
2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
3. That the ADU maintains 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 Palmer Road, so it is 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 in the ADU are prohibited;
9. That the ADU meets the rental requirements of PCZO §324(B);
10. That at least 1 off-street parking space be provided for the ADU;
11. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
12. That the applicant adheres to § 330 of the PCZO - Efficiency Dwellings;
13. That the applicant adheres to § 510 of the PCZO - Conditional Use Permits;

14. That a Stormwater Permit be obtained for the construction of the driveway to the ADU;
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; and,
16. 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 Kuehn and seconded by Lasseter to approve Conditional Use Permit / COCU 24-0034 with the following sixteen (16) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) is allowed;**
- 2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 3. That the ADU maintains 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 Palmer Road, so it is 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 in the ADU are prohibited;**
- 9. That the ADU meets the rental requirements of PCZO §324(B);**
- 10. That at least 1 off-street parking space be provided for the ADU;**
- 11. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;**
- 12. That the applicant adheres to § 330 of the PCZO - Efficiency Dwellings;**

13. **That the applicant adheres to § 510 of the PCZO - Conditional Use Permits;**
14. **That a Stormwater Permit be obtained for the construction of the driveway to the ADU;**
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; and,**
16. **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 7 to 0.

14. PRELIMINARY PLAN / COPPL 24-0013: Lyle and Malinda Powell. To create Rudd Tract Revised and Slim Tract Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Rudd Tract and S1/2S1/2SE1/4SE1/4, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Rudd Tract Revised and Slim Tract Subdivision, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant's have applied for a Preliminary Plan to create Rudd Tract Revised and Slim Tract Subdivision.

Staff recommended approval of Preliminary Plan / COPPL 24-0013 with the following six (6) conditions:

1. That at the time of submittal of the Final Plan, the Final Plan meet requirements of § 600 of the Subdivision Regulations;
2. That at the time of submittal of the Final Plan, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
3. That at the time of submittal of the Final Plan, the Certifications on the Final Plat be in accordance with §§ 1702 & 1703 of the Pennington County Subdivision Regulations;
4. That prior to submittal of the Final Plan, an Operating License is obtained for the onsite wastewater treatment system serving the single-family residence (on Proposed Rudd Tract Revised);

5. That prior to submittal of the Final Plan, the document number for the Vacation of Section Line be recorded; and,
 6. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.
- Discussion followed.

Moved by Lewis and seconded by Santana to approve Preliminary Plan / COPPL 24-0013 with the following six (6) conditions:

- 1. That at the time of submittal of the Final Plan, the Final Plan meet requirements of § 600 of the Subdivision Regulations;**
- 2. That at the time of submittal of the Final Plan, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;**
- 3. That at the time of submittal of the Final Plan, the Certifications on the Final Plat be in accordance with §§ 1702 & 1703 of the Pennington County Subdivision Regulations;**
- 4. That prior to submittal of the Final Plan, an Operating License is obtained for the onsite wastewater treatment system serving the single-family residence (on Proposed Rudd Tract Revised);**
- 5. That prior to submittal of the Final Plan, the document number for the Vacation of Section Line be recorded; and,**
- 6. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 7 to 0.

15. VACATION OF PLAT / COVPL 24-0007: Dan and Lucile Sandven. To vacate a platted private Right-of-Way located on the subject properties in Section 34, T1S, R5E, BHM.

Lot C-16, Lot C-9 Revised, and Lot C-10 of Wolframite Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Vacation of Plat / COVP24-0007 with the following two (2) conditions:

1. That before filing at the Register of Deeds, the exhibit be amended to include the correct legal description of adjacent properties.

2. That all necessary resolutions for Vacation of Plat / COVP24-0007 be recorded by the applicant at the Register of Deeds' Office.

Commissioner Lasseter left the meeting at 9:35 a.m.

Discussion followed.

Moved by Litzen and seconded by Kuehn to approve Vacation of Plat / COVP24-0007 with the following two (2) conditions:

1. That before filing at the Register of Deeds, the exhibit be amended to include the correct legal description of adjacent properties.
2. That all necessary resolutions for Vacation of Plat / COVP24-0007 be recorded by the applicant at the Register of Deeds' Office.

All voting, the Motion carried 6 to 0.

Commissioner Lasseter returned to the meeting at 9:37 a.m.

Moved by Lewis and seconded by Santana to wave rules to discuss similar Agenda Items #16, #17, and #18 at the same time and to vote on each item separately. All voting aye, the Motion carried 7 to 0.

16. COMPREHENSIVE PLAN AMENDMENT / COCA 24-0010: Storage Place, Inc./Chris Hamm; Advanced Design - Agent. To amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development District to Commercial District in accordance with the Pennington County Zoning Ordinance.

That PT of E1/2NE1/4SE1/4 lying outside the City of Rapid City Corporate Boundaries Less ROW, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Comprehensive Plan Amendment / COCA 24-0010.

Discussion followed.

Moved by Johnson and seconded by Litzen to approve Comprehensive Plan Amendment / COCA 24-0010.

All voting aye, the Motion carried 7 to 0.

17. REZONE / CORZ 24-0008: Storage Place, Inc./Chris Hamm; Advanced Design - Agent. To rezone from Planned Unit Development District to Commercial District in accordance with the Pennington County Zoning Ordinance.

That PT of E1/2NE1/4SE1/4 lying outside the City of Rapid City Corporate Boundaries Less ROW, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone from Planned Unit Development District to Commercial District.

Staff recommended approval of Rezone / CORZ 24-0008.

Discussion followed.

Moved by Lasseter and seconded by Lewis to approve Rezone / CORZ 24-0008.

All voting aye, the Motion carried 7 to 0.

18. CONDITIONAL USE PERMIT / COCU 24-0033: Storage Place, Inc./Chris Hamm; Advanced Design - Agent. To allow an existing storage unit business on the subject property in a proposed Commercial District (currently zoned Planned Unit Development District) in accordance with the Pennington County Zoning Ordinance.

That PT of E1/2NE1/4SE1/4 lying outside the City of Rapid City Corporate Boundaries Less ROW, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing storage unit business on the subject property.

Staff recommended to continue Conditional Use Permit / COCU 24-0033 to the January 27, 2025, Planning Commission meeting.

Discussion followed.

Moved by Lasseter and seconded by Santana to continue Conditional Use Permit / COCU 24-0033 to the January 27, 2025, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

19. CONDITIONAL USE PERMIT / COCU 24-0030: New Underwood Roping Club. To allow an Event Center on the subject property for the sale of liquor in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

E201 ft of NE1/4SE1/4SW1/4, Section 30, T2N, R11E, BHM, Pennington County, South Dakota.

(Continued from the November 25, 2024, Planning Commission meeting.)

Molitor stated this item was continued from the November 25, 2024, Planning Commission meeting.

Staff recommended denial of Conditional Use Permit / COCU 24-0030, as the use is more appropriate in a Commercial zoning district. If the Planning Commission approves Conditional Use Permit / COCU 24-0030, staff recommended the following twenty-three (23) conditions be included:

1. That the permitted use is an Event Center to be utilized for the sale of alcohol;
2. That the Event Center is used for distributing alcohol during rodeo events, fundraisers and socials;
3. That the Event Center is operated from May 1st to October 1st;
4. That prior to operation, the future address be posted at the entrance to the property and on the main structure, so that it is visible from both directions of travel on N A Avenue in accordance with Pennington County Ordinance #20;
5. That a minimum of two port-o-potties are used during events;
6. That the property remains free of junk and debris at all times;
7. That all natural drainage paths be continually maintained;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That hours of operation be from 12:00 p.m. to 10:00 p.m. Sunday through Thursday and 12:00 p.m. to 12:00 a.m. Friday and Saturday;
10. That no more than 4 employees be allowed at any given time;
11. That no off-premise signs be allowed;
12. That one (1) sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;
13. That an interior informational sign be posted to include the contact information, including the local Fire Department and Sheriff's Department;
14. That the applicant maintains and Evacuation (Emergency) Plan and a copy of said plan be kept on file at the Planning Department;
15. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;

16. That if any sale or transfer of the subject property from the current owner(s) of record occur, that this CUP will automatically end;
17. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures and that the existing turn outs and work be stabilized and replanted to prevent continued erosion, soil movement and damage to the surrounding property and the road;
18. That there is legal access to the property for the requested use;
19. That prior to the commencement of the use, right-of-way must be established and the right-of-way improved to a minimum of a 24-foot-wide road;
20. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
21. That portable fire extinguishers be placed in the structure and the fire extinguishers shall be inspected and tagged annually; and,
22. That setbacks for all structures shall be a minimum of 25 feet from exterior lot lines;
23. That the Conditional Use Permit be reviewed in six (6) months, 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.

Discussion followed.

Moved by Lasseter and seconded by Kuehn to approve Conditional Use Permit / COCU 24-0030 with twenty-three (23) conditions.

Molitor stated that Condition #7 can be removed, since the language is addressed in Condition #17.

Substitute Motion: Moved by Lasseter and seconded by Kuehn to approve Conditional Use Permit / COCU 24-0030 with the following twenty-two (22) conditions.

- 1. That the permitted use is an Event Center to be utilized for the sale of alcohol;**
- 2. That the Event Center is used for distributing alcohol during rodeo events, fundraisers and socials;**

3. That the Event Center is operated from May 1st to October 1st;
4. That prior to operation, the future address be posted at the entrance to the property and on the main structure, so that it is visible from both directions of travel on N A Avenue in accordance with Pennington County Ordinance #20;
5. That a minimum of two port-o-potties are used during events;
6. That the property remains free of junk and debris at all times;
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;
8. That hours of operation be from 12:00 p.m. to 10:00 p.m. Sunday through Thursday and 12:00 p.m. to 12:00 a.m. Friday and Saturday;
9. That no more than 4 employees be allowed at any given time;
10. That no off-premise signs be allowed;
11. That one (1) sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;
12. That an interior informational sign be posted to include the contact information, including the local Fire Department and Sheriff's Department;
13. That the applicant maintains and Evacuation (Emergency) Plan and a copy of said plan be kept on file at the Planning Department;
14. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
15. That if any sale or transfer of the subject property from the current owner(s) of record occur, that this CUP will automatically end;
16. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures and that the existing turn outs and work be stabilized and replanted to prevent continued erosion, soil movement and damage to the surrounding property and the road;

17. That there is legal access to the property for the requested use;
18. That prior to the commencement of the use, right-of-way must be established and the right-of-way improved to a minimum of a 24-foot-wide road;
19. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
20. That portable fire extinguishers be placed in the structure and the fire extinguishers shall be inspected and tagged annually; and,
21. That setbacks for all structures shall be a minimum of 25 feet from exterior lot lines;
22. That the Conditional Use Permit be reviewed in six (6) months, 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 7 to 0.

20. EXECUTIVE SESSION

Executive Session was not needed.

21. COUNTY BOARD REPORT

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

22. ITEMS FROM THE PUBLIC

No motions or actions were taken.

23. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the November 2024 Building Permit Report.

B. December Planning Commission meetings. Molitor stated this is the only December Planning Commission meeting, and the Planning Commission meetings will resume on January 13, 2025.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson stated that he will not be in attendance for the January 13th meeting, and he also spoke of Roberts Rules of Order.

Commissioner Litzen stated she will be in touch with Staff regarding upcoming meetings and her schedule.

Commissioner Lasseter noted this is his last Planning Commission meeting and enjoyed his time of service.

25. ADJOURNMENT

Moved by Lasseter and seconded by Kuehn to adjourn.

Vote: unanimous 7 to 0.

The meeting adjourned at 9:58 a.m.

Karen McGregor, Chairperson