

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**June 12, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Kelsey Rausch, Megan Talmage, Christine Phillip, Cody Sack, Jason Theunissen, TJ Doreff, Jeri Ervin, Kim Baxter, Megan Krueger (SAO) and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE MAY 22, 2023, MINUTES  
**Moved by McGregor and seconded by Lewis to approve the Minutes of the May 22, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Kuehn and seconded by McGregor to approve the Agenda of the June 12, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by McGregor and seconded by Kuehn to approve the Consent Agenda of the June 12, 2023, Planning Commission meeting, with the removal of Item 6. Vote: unanimous 6 to 0.**

**CONSENT AGENDA**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 20-28:** Mystic Road Cottage, LLC – Steve Yearous. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Redfern Valley Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 20-28 with the following sixteen (16) conditions:**

1. **That the maximum overnight occupancy, based on SD DANR approval, be limited to two (2) people and the maximum daytime occupancy be limited to four (4) 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 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 CUP documents at the Pennington County Planning Department;
4. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
5. That each review of Conditional Use Permit / CU 20-28, be subject to PCZO § 511(F)(4), which includes a \$100 fee per review;
6. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. 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;
8. That a minimum of one (1) off-street parking space be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department, during operation of the Vacation Home Rental.
10. That the lot address (23489 Mystic Road) be continually posted on the residence at all times and so it is clearly visible, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Craig Oyler, 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;

13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
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 two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 21-28:** Travis Green. To review an accessory structure, a pole barn, as a primary structure on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

S425 feet of N850 feet of W1075 feet of SW1/4SW1/4, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 21-28 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 22-13:** Paul and Kristie Skorseth. To review living in a pole barn/shop building while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

E1/2NE1/4 Less ROW, Section 29, T2N, R13E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 22-13 with the following ten (10) conditions:**

1. 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;
2. That the address is clearly posted on the shop with living quarters and future single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;

3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters) once the residence is complete;
4. That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the living quarters be removed or a Conditional Use Permit be obtained once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
6. That at the time of a Building Permit, the address for the new residence be taken off of 227<sup>th</sup> St.;
7. That when the new house is complete, the applicants obtain a removal permit to remove the living quarters from the shop;
8. That the subject property remains free of debris and junk vehicles; and,
9. That within 90 days of approval of this extension, the applicants apply for a Building Permit for the single-family residence; and,
10. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in April 2024, on a complaint basis, or as directed by the 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 / CU 21-32:** Dennis and Wyonne Kaemingk. To review a secondary/accessory structure, a garage, as a primary structure on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4R, Block 8, Forest Home Development, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 21-32 with the applicants' concurrence.**

**Vote: unanimous 6 to 0.**

**END OF CONSENT AGENDA**

6. CONDITIONAL USE PERMIT REVIEW / CU 22-22: Josh Lundin. To review a home occupation, a contracting business, on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 9 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 22-22 with eleven (11) conditions.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve the extension of Conditional Use Permit / CU 22-22 with the following eleven (11) conditions.**

- 1. 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;**
- 2. That the contracting business shall be operated completely within the existing accessory structures located on the property;**
- 3. That a Sign Permit be obtained for any on-premise sign;**
- 4. That no on-premise retail sales be allowed;**
- 5. That the home occupation, including all associated storage, be conducted entirely indoors;**
- 6. That the applicant complies with all applicable local, state, and federal laws;**
- 7. That an address be assigned to the structure(s) being used for the business and the address(s) be properly posted on both the structure and at the approach so it is visible in both directions from Pioneer Drive in accordance with Pennington County's Ordinance #20;**
- 8. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;**
- 9. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;**
- 10. That the home occupation shall be operated by a family member or owner residing on the premises; and,**

11. That this Conditional Use Permit be reviewed in three (3) year, on a complaint basis, or as deemed necessary by the 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. LOT LINE ADJUSTMENT PLAT / LAPL 23-13: Phillip and Carmen Lakner; KTM Design Solutions - Agent. To reconfigure lot lines to create Tract 2 Revised and Lot J Revised of Rushmore Ranch Estates Subdivision in accordance with the Pennington County Subdivision Regulations Variance.

EXISTING LEGAL DESCRIPTION: Tract 2 and Lot J of Tract Well, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL DESCRIPTION: Tract 2 Revised and Lot J Revised, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Lot Line Adjustment Plat to reconfigure lot lines to create Tract 2 Revised and Lot J Revised of Rushmore Ranch Estates Subdivision.

Staff recommended approval of Lot Line Adjustment Plat / LAPL 23-13 with the following five (5) conditions:

1. That prior to filing the mylar at the Register of Deeds, the Plat meets the requirements of § 303 of the Subdivision Regulations;
2. That prior to filing the mylar at the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
3. That prior to the mylar being filed at the Register of Deeds Office, the applicants obtain an Operating License for the Onsite Waste Water Treatment System on Tract 2;
4. That prior to filing the mylar at the Register of Deeds, the Certifications on the Final Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
5. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Hadcock and seconded by Kuehn to approve of Lot Line Adjustment Plat / LAPL 23-13, with the following five (5) conditions:**

1. That prior to filing the mylar at the Register of Deeds, the Plat meets the requirements of § 303 of the Subdivision Regulations;
2. That prior to filing the mylar at the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
3. That prior to the mylar being filed at the Register of Deeds Office, the applicants obtain an Operating License for the Onsite Waste Water Treatment System on Tract 2;
4. That prior to filing the mylar at the Register of Deeds, the Certifications on the Final Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
5. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT / CU 23-18: West River Electric Association, Inc.; Ron Williams - Agent. To allow an electrical substation on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract 1, Whiting Subdivision, Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an electrical substation on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-18 with the following ten (10) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;
2. That sureties for the two Approach Permits must be paid to the Highway Department prior to construction;
3. That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions of travel on Country Road;
4. That the facility be continually secured with a fence at least seven (7) feet in height;
5. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;

6. That reasonable steps shall be taken to reduce light and sound emissions from the facility;
7. That the installation of any additional electrical stations or items associated with the power line requires review and approval by the Pennington County Planning Department;
8. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;
9. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.

Discussion followed.

**Moved by Hadcock and seconded by McGregor to approve of Conditional Use Permit / CU 23-18 with the following ten (10) conditions:**

- 1. That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That sureties for the two Approach Permits must be paid to the Highway Department prior to construction;**
- 3. That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions of travel on Country Road;**
- 4. That the facility be continually secured with a fence at least seven (7) feet in height;**
- 5. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**
- 6. That reasonable steps shall be taken to reduce light and sound emissions from the facility;**



7. **That the installation of any additional electrical stations or items associated with the power line requires review and approval by the Pennington County Planning Department;**
8. **That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;**
9. **That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,**
10. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.**

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

10. CONDITIONAL USE PERMIT / CU 23-19: Spring Creek 79, LLC; Jeff Miller - Agent. To allow a Vacation Home Rental on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Anderson Tract 1 Revised Less Right-of-Way, Rapid City Placer MS 614, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 23-19 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six people and the maximum daytime occupancy be limited to twelve 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 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), the Department of Revenue (Sales Tax License), and South Dakota Department of Wildland Fire (Campfire Permit) 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 and provide a copy of the plan to the Planning Department;
7. That a color map must be posted during operation of the VHR that illustrates where the Special Flood Hazard Area is located on the property, as determined by the Federal Emergency Management Agency (FEMA);
8. 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;
9. 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;
10. That the lot address (12687 S. Highway 16) be posted on the residence at all times and that it also be posted on a sign where the driveway intersects S. Highway 16, in accordance with Pennington County Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from Roxann Dubois, 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;
13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);

15. 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;
16. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Lewis and seconded by Kuehn to approve of Conditional Use Permit / CU 23-19 with the following sixteen (16) conditions:**

- 1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six people and the maximum daytime occupancy be limited to twelve 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 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), the Department of Revenue (Sales Tax License), and South Dakota Department of Wildland Fire (Campfire Permit) 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 and provide a copy of the plan to the Planning Department;**
- 7. That a color map must be posted during operation of the VHR that illustrates where the Special Flood Hazard Area is located on the property, as determined by the Federal Emergency Management Agency (FEMA);**

8. 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;
9. 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;
10. That the lot address (12687 S. Highway 16) be posted on the residence at all times and that it also be posted on a sign where the driveway intersects S. Highway 16, in accordance with Pennington County Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from Roxann Dubois, 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;
13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. 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;
16. That this Conditional Use Permit be reviewed in one 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. COMPREHENSIVE PLAN AMENDMENT / CA 23-06: Adam Weaver / Sharon Holte Weaver; Sarah Tschetter - Agent. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Southeast Corner of Lot 4 of Strato Rim Estates located in Gov't Lot 4 and the SE1/4 of the SW1/4 of Section 7, Township 1 South, Range 7 East of the Black Hills Meridian, which is the POINT OF BEGINNING, POINT NO 1; Thence N 89°15'32" W - a distance of 580.00 feet to Point No. 2 which is the TRUE POINT OF BEGINNING, Thence N 30°14'44" E - a distance of 172.33 feet to Point No. 3; Thence S 89°15'32" E - a distance of 173.89 feet to Point No. 4; Thence S 00°44'28" W - a distance of 149.98 feet to Point No. 5; Thence N 89°15'32" W - a distance of 258.76 feet to the TRUE POINT OF BEGINNING, Point No. 2; Containing 0.740 Acres "more or less", located in Gov't Lot 4 and SE1/4 of SW1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Comprehensive Plan Amendment / CA 23-06 to the June 26, 2023 Planning Commission meeting.

Discussion followed.

**Moved by Hadcock and seconded by Lewis to continue Comprehensive Plan Amendment / CA 23-06 to the June 26, 2023, Planning Commission meeting.**

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

12. REZONE / RZ 23-09: Adam Weaver / Sharon Holte Weaver; Sarah Tschetter - Agent. To rezone 0.74 acre from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Southeast Corner of Lot 4 of Strato Rim Estates located in Gov't Lot 4 and the SE1/4 of the SW1/4 of Section 7, Township 1 South, Range 7 East of the Black Hills Meridian, which is the POINT OF BEGINNING, POINT NO 1; Thence N 89°15'32" W - a distance of 580.00 feet to Point No. 2 which is the TRUE POINT OF BEGINNING, Thence N 30°14'44" E - a distance of 172.33 feet to Point No. 3; Thence S 89°15'32" E - a distance of 173.89 feet to Point No. 4; Thence S 00°44'28" W - a distance of 149.98 feet to Point No. 5; Thence N 89°15'32" W - a distance of 258.76 feet to the TRUE POINT OF BEGINNING, Point No. 2; Containing 0.740 Acres "more or less", located in Gov't Lot 4 and SE1/4 of SW1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 0.74 acre from Rural Residential District to Low Density Residential District.

Staff recommended to continue Rezone / RZ 23-09 to the June 26, 2023, Planning Commission meeting.

Discussion followed.

**Moved by Hadcock and seconded by Kuehn to continue Rezone / RZ 23-09 to the June 26, 2023, Planning Commission meeting.**

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

13. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in accordance with the Pennington County Zoning Ordinance.

Lot 17 Less Outlot 1 and Right-of-Way (also in Section 3) and Outlot 1 of Lot 17 and 30 feet Right-of-Way, all located in Saxon Placer MS 1250, Section 2, T1S, R5E, BHM, Pennington County, South Dakota

Theunissen reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Recreational Resort.

Staff recommended to continue Planned Unit Development Overlay / PU 23-06 to the July 10, 2023, Planning Commission meeting to allow the applicant to address staff's concerns.

Discussion followed.

**Moved by Hadcock and seconded by Lewis to continue Planned Unit Development Overlay / PU 23-06 to the July 10, 2023, Planning Commission meeting to allow the applicant to address staff's concerns.**

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

14. CONDITIONAL USE PERMIT / CU 23-17: David Allard. To allow a Bed and Breakfast on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 17 of Block 5 of Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the May 22, 2023, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Bed and Breakfast.

Staff recommended approval of Conditional Use Permit / CU 23-17 with the following nineteen (19) conditions:

1. That the maximum occupancy of the Bed and Breakfast be limited to 2 people based on the structure having 1 bedroom;

2. That there *not* be a range or oven in the proposed structure, as to constitute a second single-family residence on the subject property;
3. 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, which will require approval from SD DANR;
4. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants wants to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast 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 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 and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 2 off-street parking space be provided on-site, per PCZO § 310;
10. That if the applicant chooses to post an exterior sign, the sign shall meet the requirements of PCZO §§323(B)(3)(b) and 312;
11. That an interior sign shall be posted in the Bed and Breakfast for all guests, in accordance with the requirements of PCZO § 323(B)(3)(d);
12. That prior to operation, an address be assigned to the Bed and Breakfast;
13. That the addresses for the single-family residence and the Bed and Breakfast be posted on both structures at all times and at the driveway where it intersects W. Highway 44, in accordance with Pennington County's Ordinance #20;
14. That the Bed and Breakfast continues to be classified as owner occupied with the Pennington County Department of Equalization;
15. That the applicant ensures the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;

16. That the houseboat and RV located on the subject property be only stored and not rented or occupied;
17. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;
18. 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,
19. 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.

Discussion followed.

**Moved by Kuehn and seconded by Lewis to approve of Conditional Use Permit / CU 23-17 with the following nineteen (19) conditions:**

- 1. That the maximum occupancy of the Bed and Breakfast be limited to 2 people based on the structure having 1 bedroom;**
- 2. That there *not* be a range or oven in the proposed structure, as to constitute a second single-family residence on the subject property;**
- 3. 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, which will require approval from SD DANR;**
- 4. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants wants to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly;**
- 5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 6. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;**
- 7. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast 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 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 and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 2 off-street parking space be provided on-site, per PCZO § 310;
10. That if the applicant chooses to post an exterior sign, the sign shall meet the requirements of PCZO §§323(B)(3)(b) and 312;
11. That an interior sign shall be posted in the Bed and Breakfast for all guests, in accordance with the requirements of PCZO § 323(B)(3)(d);
12. That prior to operation, an address be assigned to the Bed and Breakfast;
13. That the addresses for the single-family residence and the Bed and Breakfast be posted on both structures at all times and at the driveway where it intersects W. Highway 44, in accordance with Pennington County's Ordinance #20;
14. That the Bed and Breakfast continues to be classified as owner occupied with the Pennington County Department of Equalization;
15. That the applicant ensures the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
16. That the houseboat and RV located on the subject property be only stored and not rented or occupied;
17. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;
18. 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,
19. 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.

All voting aye, the Motion carried 6 to 0.

15. ORDINANCE AMENDMENT / OA 23-09: Pennington County. To amend Section 103 Definitions [to amend and supersede the existing Section 103 Definitions] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is a proposed Ordinance Amendment to amend Section 103 – Definitions.

Staff recommended to continue Ordinance Amendment / OA 23-09 to the June 26, 2023, Planning Commission meeting.

Discussion followed.

**Moved by Hadcock and seconded by Kuehn to continue Ordinance Amendment / OA 23-09 to the June 26, 2023, Planning Commission meeting.**

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

16. COMPREHENSIVE PLAN AMENDMENT / CA 23-05: Pink Cabin, LLC; KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Urban Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Northeast corner of Lot 1, Block 2, of Colvins Subdivision, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; THENCE (1) with the easterly boundary of said Colvins Subdivision, South 2°04'19" West, 17.00 feet to the point of beginning; THENCE (2) leaving said easterly boundary, South 88°17'25" East, 63.58 feet to a point on the westerly boundary of Murphy Ranch Estates Subdivision, being the northwest corner of Lot 10, Block 1; THENCE (3) with said westerly boundary, South 1°54'30" West, 90.63 feet to the beginning of a curve; THENCE (4) continuing with said westerly boundary, on a curve turning to the left with an arc length of 67.75 feet, with a radius of 67.00 feet, with a chord bearing of South 27°03'26" East, with a chord length of 64.88 feet; THENCE (5) continuing with said westerly boundary, South 56°00'19" East, 109.04 feet to the beginning of a non-tangent curve; THENCE (6) continuing with said westerly boundary, on a curve turning to the left with an arc length of 108.82 feet, with a radius of 52.00 feet, with a chord bearing of North 87°25'04" East, with a chord length of 90.02 feet to the beginning of a curve; THENCE (7) continuing with said westerly boundary, on a curve turning to the right with an arc length of 15.87 feet, with a radius of 40.50 feet, with a chord bearing of North 38°41'39" East, with a chord length of 15.77 feet to the northwest corner of Lot 1, Block 12; THENCE (8) continuing with said westerly boundary, South 2°04'39" West, 99.54 feet; THENCE (9) continuing with said westerly boundary, South 2°06'42" West, 76.62 feet; THENCE (10) continuing with said westerly boundary, South 2°03'07" West, 76.10 feet; THENCE (11) continuing with said westerly boundary, South 2°03'41" West, 75.87 feet; THENCE (12) continuing with said westerly boundary, South 2°01'40" West, 75.97 feet; THENCE (13) continuing with said westerly boundary, South 2°05'17" West, 75.86 feet; THENCE (14) continuing with said westerly boundary, South 1°57'23" West, 76.10 feet to the northwest corner of Lot 8, Block 12; THENCE (15) continuing with said westerly boundary, South 1°57'23" East, 15.45 feet to the beginning of a non-tangent curve; THENCE (16) continuing with said westerly boundary, on a curve turning to the left with an arc length of 86.07 feet, with a radius of 236.00 feet, with a chord bearing of South 8°08'06" East, with a chord length of 85.59 feet to the beginning of a curve; THENCE (17) continuing with said westerly boundary, on a curve turning to the left with an arc length of 18.88 feet, with a radius of 236.00 feet, with a chord bearing of South 20°52'25" East, with a chord length of 18.87 feet; THENCE (18) continuing with said westerly boundary, South 23°50'25" East, 57.98 feet; THENCE (19) continuing with said westerly boundary, South 23°27'08" East, 70.00 feet to the southwest corner

of Lot 10, Block 12; THENCE (20) continuing with said westerly boundary, North 66°14'23" East, 9.95 feet to the beginning of a non-tangent curve; THENCE (21) continuing with said westerly boundary, on a curve turning to the right with an arc length of 88.59 feet, with a radius of 886.47 feet, with a chord bearing of South 18°16'37" East, with a chord length of 88.55 feet to the beginning of a curve and being on the northerly right-of-way of Springfield Road; THENCE (22) continuing with said westerly boundary, on a curve turning to the right with an arc length of 52.20 feet, with a radius of 886.47 feet, with a chord bearing of South 13°43'31" East, with a chord length of 52.19 feet to the southerly right-of-way of Springfield Road; THENCE (23) leaving said westerly boundary, South 81°11'31" West, 13.97 feet to the beginning of a curve; THENCE (24) on a curve turning to the left with an arc length of 98.18 feet, with a radius of 174.00 feet, with a chord bearing of South 65°01'40" West, with a chord length of 96.88 feet; THENCE (25) North 41°08'11" West, 26.00 feet; THENCE (26) North 41°08'11" West, 26.00 feet; THENCE (27) North 41°08'11" West, 84.05 feet; THENCE (28) North 88°02'41" West, 222.96 feet to a point on the easterly line of Colvins Subdivision; THENCE (29) continuing with said easterly boundary, North 1°47'44" East, 138.09 feet; THENCE (30) continuing with said easterly boundary, North 1°53'35" East, 234.91 feet; THENCE (31) continuing with said easterly boundary, North 1°58'44" East, 114.92 feet; THENCE (32) continuing with said easterly boundary, North 1°54'11" East, 115.99 feet; THENCE (33) continuing with said easterly boundary, North 1°49'45" East, 115.95 feet; THENCE (34) continuing with said easterly boundary, North 1°42'12" East, 116.43 feet; THENCE (35) continuing with said easterly boundary, North 2°04'19" East, 213.64 feet to the point of beginning; Said parcel contains 6.52 acres more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the May 22, 2023, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Suburban Residential District to Urban Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 23-05.

Discussion followed.

**Moved by McGregor and seconded by Lewis to deny Comprehensive Plan Amendment / CA 23-05.**

The Planning Commission took a 15 minute recess.

Discussion continued.

**All voting aye, the Motion carried 5 to 0.** (Commissioner Burton was not available on Zoom)

17. REZONE / RZ 23-08: Pink Cabin, LLC; KTM Design Solutions - Agent. To rezone 0.13 acre from Urban Residential District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Southeast corner of Lot 2, Block 3, of Colvins Subdivision, located

in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being monumented with a ½ inch rebar; THENCE (1) contiguous with the easterly boundary of said Colvins Subdivision, North 1°47'44" East, 68.92 feet to the point of beginning; THENCE (2) continuing with said easterly boundary of Colvins Subdivision, North 1°47'44" East, 23.13 feet; THENCE (3) leaving said easterly boundary, South 88°02'41" East, 222.96 feet; THENCE (4) South 41°08'11" East, 84.05 feet; THENCE (5) North 48°43'36" West, 60.36 feet; THENCE (6) North 88°02'33" West, 233.61 feet to the point of beginning; Said parcel contains 0.13 acres (5616 sq. ft.) more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the May 22, 2023, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 0.13 acre from Urban Residential District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 23-08.

Discussion followed.

**Moved by Hadcock and seconded by Lewis to approve of Rezone / RZ 23-08.**

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

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 22, 2023, Planning Commission meeting.

The Board also recommended to send proposed Ordinance Amendment / OA 23-01, to amend Section 319 Vacation Home Rental, and the proposed document presented by the SD Short-Term Rental Association back to the VHR Committee for review and comments.

The VHR Committee will meet on Thursday, June 15, 2023, at 3 p.m. in the Planning Department.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for May 2023.

B. Planning Commission. Molitor stated that Commissioners Johnson and Lewis have been reappointed for three-year terms.

21. ITEMS FROM THE MEMBERSHIP

Commissioner Burton spoke of the proposed VHR Ordinance Amendment and the document submitted by the SD Short-Term Rental Association.

Chairman Johnson spoke of Robert Rules of Order.

Commissioner Burton also spoke of land development and drainage areas.

22. ADJOURNMENT

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

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

**The meeting adjourned at 11:34 a.m.**

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Charlie Johnson, Chairperson