

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**September 23, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Jason Theunissen, Megan Talmage, Kelsey Rausch, Christine Phillips, Cody Sack, TJ Doreff, Jeri Ervin, and Tyler Sobczak (SAO).

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 9, 2024, MINUTES  
**Moved by Johnson and seconded by Lewis to approve the Minutes of the September 9, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.**
2. APPROVAL OF THE AGENDA  
**Moved by Kuehn and seconded by Lewis to approve the Agenda of the September 23, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.**
3. APPROVAL OF THE CONSENT AGENDA  
**Moved by Kuehn and seconded by Lewis to approve the Consent Agenda of the September 23, 2024, Planning Commission meeting. Vote: unanimous 5 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 10-14**: William and Carol Shay. To review an accessory structure, garage, without a primary structure in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 10-14 with the following seven (7) conditions:**

1. **That legal access continue to be maintained to the garage at all times and an access easement be dedicated or a new approach be constructed in compliance with an approved Approach Permit, if the subject property is ever sold separately from the adjacent property to the south;**
2. **That the existing septic system on the subject property be allowed to be utilized in accordance with the Rapid City Public Works Department's**

approval. If the existing septic system is not utilized, it needs to be properly abandoned in accordance with SDAR § 74:53:01:11 and inspected by the Rapid City Public Works Department;

3. That a Building Permit be obtained if any space within the detached garage is finished and for any structure exceeding 144 square feet or permanent anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the garage and shed continue to be used for personal use only and no commercial-type uses;
5. That the property continually remains free of debris and junk vehicles at all times;
6. That all natural drainage paths are continually maintained; and,
7. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CUR 16-34:** Mary Bitz. To review a Recreational Vehicle to be used as temporary living quarters on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 16-34 with the following eight (8) conditions:**

1. That the assigned address for the subject property continue to be properly posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;
2. That the minimum setback requirements for a Rural Residential District be continually maintained on the property;
3. That the subject property remains free of debris and junk vehicles;
4. 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;
5. That no additional living quarters be allowed to exist on the property;
6. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;

7. That the applicant adheres to the Forest Service comments at all times; and,
8. That this Conditional Use Permit be reviewed 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.

**Vote: unanimous 5 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CUR 23-40:** David and Helene Weldon. To review living in an existing accessory structure while building a primary residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Less RTY, Star Lode Mining Claim MS 2148, Section 13, T2S, R6E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 23-40 with the following seven (7) 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) without an additional Conditional Use Permit;
4. That the minimum setback requirements of Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the applicant obtain a Removal Permit for the kitchen in the shop or obtain a Conditional Use Permit for a Guest House once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
6. That the subject property remains free of debris and junk vehicles; and,
7. That this Conditional Use Permit be reviewed in one year, 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 5 to 0.**

**END OF CONSENT AGENDA**

7. CONDITIONAL USE PERMIT / COCU 24-0026: Reynolds & Livingston, LLC; Chris Livingston. To allow an Accessory Dwelling Unit on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

That Part of Lot 1 located in Pennington County of Boyle Subdivision, Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Conditional Use Permit / COCU 24-0026 to the October 16, 2024, Planning Commission meeting, to allow the applicant time to obtain onsite wastewater treatment system information and Operating Licenses.

Discussion followed.

**Moved by Lewis and seconded by Johnson to continue Conditional Use Permit / COCU 24-0026 to the October 16, 2024, Planning Commission meeting, to allow the applicant time to obtain onsite wastewater treatment system information and Operating Licenses**

**All voting aye, the Motion carried 5 to 0.**

8. LOT LINE ADJUSTMENT PLAT / COLAPL 24-0003: Ryan and Sarah Koontz and Bradley and Miranda Madsen. Advanced Design Engineering – Agent. To reconfigure lot lines to create Lot 2R and Lot 3R of Block 3 of Hart Ranch West No. 1 Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 and Lot 3, Block 3, Hart Ranch West No. 1 Subdivision, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R and Lot 3R, Block 3, Hart Ranch West No. 1 Subdivision, Section 29, T1S, 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 Lot 2R and Lot 3R of Block 3 of Hart Ranch West No. 1 Subdivision.

Staff recommended approval of Lot Line Adjustment Plat / COLAPL 24-0003 with the following four (4) conditions:

1. That prior to filing the mylar with Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
2. That prior to filing the mylar with Register of Deeds, the certificates be in accordance with § 1701 and §1703 of the Pennington County Subdivision Regulations;

3. That prior to filing the mylar at Register of Deeds, an approved Building Permit be obtained and all applicable penalty fees be paid for the existing 12' x 20' shed;
4. That the guest cottage on Lot 3 be assigned and address and posted in accordance with Ordinance #20; and,
5. That approval of this Lot Line Adjustment Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Johnson and seconded by Lewis to approve of Lot Line Adjustment Plat / COLAPL 24-0003 with the following four (4) conditions:**

- 1. That prior to filing the mylar with Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
- 2. That prior to filing the mylar with Register of Deeds, the certificates be in accordance with § 1701 and §1703 of the Pennington County Subdivision Regulations;**
- 3. That prior to filing the mylar at Register of Deeds, an approved Building Permit be obtained and all applicable penalty fees be paid for the existing 12' x 20' shed;**
- 4. That the guest cottage on Lot 3 be assigned an address and posted in accordance with Ordinance #20; and,**
- 5. That approval of this Lot Line Adjustment Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 5 to 0.**

9. LOT LINE ADJUSTMENT PLAT / COLAPL 24-0004: Randy and Peggy Sogge. Advanced Design Engineering – Agent. To reconfigure lot lines to create Lot 1 and Lot 2 of Dead Broke Subdivision No. 2 in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3RA and Lot 3RB, Block 2, Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 and Lot 2 of Dead Broke Subdivision No. 2, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Lot Line Adjustment Plat to reconfigure lot lines to create Lot 1 and Lot 2 of Dead Broke Subdivision No. 2.

Staff recommended approval of Lot Line Adjustment Plat / COLAPL 24-0004 with the following three (3) conditions:

1. That prior to filing the mylar with Register of Deeds, the certificates be in accordance with § 1701 and 1703;
2. That prior to filing the mylar with Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations; and,
3. That the applicant ensures all natural drainage ways are maintained and not blocked.

Discussion followed.

**Moved by Santana and seconded by Lewis to approve Lot Line Adjustment Plat / COLAPL 24-0004 with the following three (3) conditions:**

- 1. That prior to filing the mylar with Register of Deeds, the certificates be in accordance with § 1701 and 1703;**
- 2. That prior to filing the mylar with Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations; and,**
- 3. That the applicant ensures all natural drainage ways are maintained and not blocked.**

**All voting aye, the Motion carried 5 to 0.**

10. EXECUTIVE SESSION

Executive Session was not needed.

11. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 3, 2024, Planning Commission meeting.

12. ITEMS FROM THE PUBLIC

No motions or actions were taken.

13. ITEMS FROM THE STAFF

There were no items from staff.

14. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

15. ADJOURNMENT

**Moved by Lewis and seconded by Santana to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 9:12 a.m.**

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Karen McGregor, Chairperson