

**MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION**

**November 25, 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, and John Santana.

STAFF PRESENT: Brittney Molitor, Jason Theunissen, Jeri Ervin, Cody Sack, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE NOVEMBER 12, 2024, MINUTES  
**Moved by Johnson and seconded by Litzen to approve the Minutes of the November 12, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Lewis and seconded by Kuehn to approve the Agenda of the November 25, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.**
  
3. APPROVAL OF THE CONSENT AGENDA  
**Moved by Kuehn and seconded by Lewis to approve the Consent Agenda of the November 25, 2024, Planning Commission meeting. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 16-12:** TC Enterprises, Inc.; Todd Schuetzle – Agent. To review the use of bicycle rentals, ATV rentals, and a retail shop on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot D of Lot 13, Rochford Townsite Patent Subdivision, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 16-12 with the following sixteen (16) conditions:**

1. **That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;**

2. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;
3. That port-o-potties are provided on-site for customers to utilize during business hours;
4. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;
5. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;
6. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County's Ordinance #20;
7. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
8. That the applicant ensures the residential character of the property is maintained;
9. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
10. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;
11. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;
12. That the property remains free of debris and junk vehicles;
13. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;
14. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;

15. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business; and,
16. That this Conditional Use Permit be reviewed 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 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CUR 20-09**: David and Janelle Goergen. To review using the existing single-wide mobile home as storage in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2-R, Block 1, Palmer Subdivision Addition, Section 14, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 20-09 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 continue to be clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
4. That the single-wide mobile home continue to be used as a shed with no living quarters;
5. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That the subject property remains free of debris and junk vehicles; and,
7. That this Conditional Use Permit be reviewed 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.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 21-73:** M & M Medical Solutions; Timothy McMahon. To review a Marijuana (Cannabis) Cultivation Facility on the subject property in a Heavy Industrial District in accordance with the Pennington County Zoning Ordinance.

NE1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit Review / CUR 21-73, as the applicant has not established the use.**

**Vote: unanimous 6 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 23-37:** Kevin and Renee Eggebraaten. To allow an Accessory Dwelling Unit on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 15R Revised, Block 3, Moon Meadow Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit Review / CUR 23-37 with the following fourteen (14) conditions:**

1. **That only one Accessory Dwelling Unit (ADU) be allowed;**
2. **That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
3. **That the ADU has a residential appearance;**
4. **That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Moon Meadows Drive so they are clearly visible, in accordance with Pennington County Ordinance #20;**
5. **That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO) and any applicable OSWTS requirements of the City of Rapid City;**
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, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;**
9. **That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;**

10. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
11. That at least 1 off-street parking space be provided for the ADU;
12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
13. 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,
14. That this Conditional Use Permit be reviewed 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.

**Vote: unanimous 6 to 0.**

**END OF CONSENT AGENDA**

8. CONDITIONAL USE PERMIT / COCU 24-0027: David and Angela Dorn. To allow for animal sporting events, dog sport events, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

N1/2S1/2SW1/4NW1/4, N1/2S1/2SE1/4NW1/4 of Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the October 16, 2024, Planning Commission meeting.)

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for animal sporting events, dog sport events, on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0027 with the following nine (9) conditions:

1. That events are held Friday to Sunday;
2. That hours of operation for the events be from 8:00 A.M to 7:00 P.M;
3. That the property be kept free of trash and debris;
4. That one port-a-potty per 50 people be placed on the property during events;
5. That a minimum of one first aid kit be accessible to the public at all times;

6. That access to the dock be locked when events are not taking place;
7. That parking be adhered to as depicted in the site plan submitted by the applicant;
8. That prior to operation, the applicants obtain an approved Approach Permit from the Pennington Count Highway Department; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Kuehn and seconded by Johnson to approve of Conditional Use Permit / COCU 24-0027 with the following nine (9) conditions:**

- 1. That events are held Friday to Sunday;**
- 2. That hours of operation for the events be from 8:00 A.M to 7:00 P.M;**
- 3. That the property be kept free of trash and debris;**
- 4. That one port-a-potty per 50 people be placed on the property during events;**
- 5. That a minimum of one first aid kit be accessible to the public at all times;**
- 6. That access to the dock be locked when events are not taking place;**
- 7. That parking be adhered to as depicted in the site plan submitted by the applicant;**
- 8. That prior to operation, the applicants obtain an approved Approach Permit from the Pennington Count Highway Department; and,**
- 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

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

9. CONDITIONAL USE PERMIT / COCU 24-0031: Sheri Tonner; Mehlhaff Construction - Agent. To temporarily live in the existing single-wide mobile while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

E1/2SW1/4NE1/4; E1/2W1/2SW1/4NE1/4; W1/2 W1/2SE1/4NE1/4; S1/2SE1/4NW1/4 NE1/4; SE1/4 SW1/4NW1/4NE1/4; SW1/4SW1/4 NE1/4NE1/4, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to temporarily live in the existing single-wide mobile while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0031 with the following nine (9) 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, 13866 Windmill Road continue to be clearly posted on the mobile home;
3. That the address, 13866 Windmill Road, be clearly posted on the future single-family residence once it is habitable and where the driveway meets Windmill Road, in accordance with Pennington County's Ordinance #20;
4. That the subject property not contain more than one (1) occupied residential structure (i.e. single-family residence or mobile home);
5. That the applicant obtains a Removal Permit for the existing mobile home once the single-family residence is habitable;
6. That a Building Permit and an On-site Wastewater Treatment System Permit for the proposed single-family residence be applied for within six months of approval of this CUP;
7. That the minimum setback requirements of Agriculture District be continually maintained on the property;
8. That the subject property remains free of debris and junk vehicles; and,
9. 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 that all Conditions of Approval are being met.

Discussion followed.

**Moved by Litzen and seconded by Santana to approve of Conditional Use Permit / COCU 24-0031 with the following nine (9) 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, 13866 Windmill Road continue to be clearly posted on the mobile home;**

3. That the address, 13866 Windmill Road, be clearly posted on the future single-family residence once it is habitable and where the driveway meets Windmill Road, in accordance with Pennington County's Ordinance #20;
4. That the subject property not contain more than one (1) occupied residential structure (i.e. single-family residence or mobile home);
5. That the applicant obtains a Removal Permit for the existing mobile home once the single-family residence is habitable;
6. That a Building Permit and an On-site Wastewater Treatment System Permit for the proposed single-family residence be applied for within six months of approval of this CUP;
7. That the minimum setback requirements of Agriculture District be continually maintained on the property;
8. That the subject property remains free of debris and junk vehicles; and,
9. 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 that all Conditions of Approval are being met.

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

10. CONDITIONAL USE PERMIT / COCU 24-0032: Keith Kuchenbecker; Isaac Almanza - Agent. To allow a multiple-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 1, JV Subdivision, Section 23, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a multiple-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0032 with the following five (5) conditions:

1. That a minimum of 4 off-street parking spaces continue to be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;
2. That the applicant adheres to the requirement of PCZO § 303;
3. That the minimum setback requirements of Agriculture District be continually maintained on the property;
4. That a separate address be assigned to the multi-family dwelling unit and be posted on the structure and at the end of the driveway where it intersects the driveway and Highway 385, in accordance with Pennington County Ordinance #20; and,



5. That this Conditional Use Permit be reviewed in 1 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.

Discussion followed.

**Moved by Lewis and seconded by Litzen to approve of Conditional Use Permit / COCU 24-0032 with the following five (5) conditions:**

1. That a minimum of 4 off-street parking spaces continue to be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;
2. That the applicant adheres to the requirement of PCZO § 303;
3. That the minimum setback requirements of Agriculture District be continually maintained on the property;
4. That a separate address be assigned to the multi-family dwelling unit and be posted on the structure and at the end of the driveway where it intersects the driveway and Highway 385, in accordance with Pennington County Ordinance #20; and,
5. That this Conditional Use Permit be reviewed in 1 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.

**All voting, the Motion carried 5 to 1. Commissioners McGregor, Kuehn, Lewis, Litzen, and Santana voted yes. Commissioner Johnson voted no.**

11. 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.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an Event Center on the subject property for the sale of liquor.

Staff recommended denial of Conditional Use Permit / CU 24-0030, as the use is more appropriate in a Commercial zoning district.

Discussion followed.

**Moved by Kuehn and seconded by Johnson to continue Conditional Use Permit / CU 24-0030 to the December 9, 2024, Planning Commission meeting.**

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

12. EXECUTIVE SESSION

Executive Session was not needed.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 12<sup>th</sup> Planning Commission meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

A. Temporary Utility-Scale Alternative Energy Moratorium. Molitor updated the Planning Commission on the Moratorium for Utility-Scale Alternative Energy that was approved at the November 16, 2024, Board of Commissioner's meeting, effective for one year.

16. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

17. ADJOURNMENT

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

**Vote: unanimous 6 to 0.**

**The meeting adjourned at 9:58 a.m.**

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Karen McGregor, Chairperson