

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 14, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen McGregor, Charlie Johnson, Jim Coleman, Mikal Lewis, and Lloyd LaCroix.

STAFF PRESENT: Brittney Molitor, Cody Sack, Chutima Supboon, Jeri Ervin, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE JANUARY 24, 2022, MINUTES
Moved by Johnson and seconded by Lewis to approve the Minutes of the January 24, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.
2. APPROVAL OF THE FEBRUARY 9, 2022, MINUTES
Moved by Johnson and seconded by Coleman to approve the Minutes of the February 9, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.
3. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by Johnson to approve the Agenda of the February 14, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Lewis and seconded by Coleman to approve the Consent Agenda of the February 14, 2022, 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 / CU 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 Sections 205 and 510 of the Pennington County Zoning Ordinance.

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

To approve the extension of Conditional Use Permit / CU 18-26 with the following ten (10) conditions:

1. That there be no more than 1 Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;
2. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
3. That the RV be used as living quarters for no more than 180 days in a calendar year;
4. That the minimum setback requirements of an Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance 106;
6. 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;
7. That upon expiration of a Building Permit for the proposed single-family residence, the RV will be disconnected from all utilities and no longer be utilized as living quarters on the subject property;
8. That the applicant notifies the Planning Department if the new residence is habitable prior to the expiration of the Building Permit, so that this Conditional Use Permit may be ended;
9. That more than one continuation caused by the applicant's failure to meet Conditions of Approval will incur a \$100.00 fine per continuation in accordance with § 511(X) of the Pennington County Zoning Ordinance; and,
10. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 20-18:** Wild Springs Solar, LLC / Melissa Schmit. To review a utility-scale solar energy system in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of NE1/4 S of Chicago Northwestern RR; SE1/4 of Section 36, T2N, R10E; GL3-4; E1/2SW1/4, Less ROW of Section 31, T2N, R11E; GL 1-4; S1/2NE1/4; S1/2NW1/4, Less ROW of Section 1, T1N, R10E; GL 6-7; E1/2SW1/4, W1/2SE1/4;

E1/2SE1/4 of Section 6, T1N, R11E; E1/2NE1/4; W1/2NE1/4, E1/2NW1/4; GL 1-4; NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4, Less ROW of Section 7, T1N, R11E; W1/2SW1/4; E1/2SW1/4 of Section 5, T1N, R11E; N1/2NE1/4, SE1/4NE1/4, S1/2SW1/4, E1/2SE1/4, SW1/4SE1/4, NW1/4, Less ROW of Section 9, T1N, R11E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 20-18 with conditions.

- 1. That Building Permits are obtained for all solar modules prior to construction;**
- 2. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the Project area;**
- 3. That the address of all operational structures (i.e. O&M building) be posted in accordance with Ordinance #20 following completion of the structure;**
- 4. That setbacks from the property lines and all utilities be maintained for all structures located on the property, or an approved Setback Variance(s) be obtained;**
- 5. That an approved Approach Permit(s) be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for CU 20-18;**
- 6. That an approved Floodplain Development Permit is obtained prior to any disturbance or placement of structures in the designated Special Flood Hazard Area;**
- 7. That a Storm Water Permit is obtained to prior to any land disturbance;**
- 8. That the applicant signs the Noxious Weed Plan and it be followed at all times;**
- 9. That the design of the solar energy system must conform to applicable local, state and national solar codes and standards at all times;**
- 10. That a Conditional Use Permit is obtained for the temporary contractor's equipment storage yard prior to construction of all solar modules;**
- 11. That no junk material, vehicles, or debris is stored on the site at any given time;**
- 12. That any natural drainage ways and paths be continually maintained;**
- 13. That all exterior lights must use hoods and lens that cast light downward;**

14. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
15. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
16. That the Planning Department is provided with the safety/access information in case of an emergency;
17. That the proposed structure(s) maintain the 35-foot height requirement, with the exception of utility poles as exempted in Section 204(E) of the PCZO, or an approved Variance(s) be obtained;
18. That the solar panels be non-reflective and unobtrusive at all times;
19. That temporary fencing is installed during construction to ensure livestock are protected;
20. That a Haul Road Agreement, if required, is in place with the County Highway Department prior to construction of the Project;
21. That all design and installation work shall comply with all applicable provisions in the National Electric Code, International Building Code, the International Residential Code, International Commercial Building Code, and state fire code;
22. That no advertising signage shall be placed on any portion of the solar facility;
23. That any on-site wastewater treatment system(s) are subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
24. That the solar facility, at no time, shall exceed 55 dBA as measured at the closest property line;
25. That once the Project's design is finalized, Wild Springs Solar, LLC must prepare and submit an updated decommissioning cost estimate to Pennington County.
26. That prior to commencement of construction, Wild Springs Solar, LLC shall provide a surety bond in the total amount of the updated decommissioning cost estimate naming the SD PUC and Pennington County as beneficiaries.
27. That Wild Springs Solar, LLC provide an updated decommissioning cost estimate to Pennington County at the completion of year ten of operation and every five years thereafter, and Wild Springs Solar, LLC must adjust the financial security provided to align with the updated cost estimate.; and,

28. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission.**

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

6. CONDITIONAL USE PERMIT / CU 21-65: Limestone Creek Ranch, LLC; Thomas Stowers - Owner. To allow a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319 and 510 of the Pennington County Zoning Ordinance.

Lot 4 Revised, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

(Continued from the January 10, 2022, Planning Commission meeting.)

Sack 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 21-65 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on the Sanitary District approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 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 sanitary district;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 21-65, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;

7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (24420 Oak Meadows Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Oak Meadows Road, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Candace Jackson, 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;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant removes 2 regular beds or 2 bunk beds to come into compliance prior to operation; and,
16. 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 Coleman and seconded by Lewis to approve of Conditional Use Permit / CU 21-65, with an amendment to Condition #3, with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on the Sanitary District approval, be limited to ten (10) people and the maximum daytime occupancy**

be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 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 sanitary district;**
- 3. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;**
- 4. That each review of Conditional Use Permit / CU 21-65, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;**
- 5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;**
- 7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
- 8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;**
- 9. That the lot address (24420 Oak Meadows Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Oak Meadows Road, in accordance with Pennington County Ordinance #20;**
- 10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;**
- 11. That if the person designated as the Local Contact is ever changed from Candace Jackson, 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;**

12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant removes 2 regular beds or 2 bunk beds to come into compliance prior to operation; and,
16. 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 5 to 0.

7. LAYOUT PLAN / LPL 22-01: Charles and Kimberly Klafka; All Aspects Land Surveying - Agent. To combine two lots to create Lot 45A of Burns Placer MS 697 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 45 and Lot 46, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 45A, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots to create Lot 45A of Burns Placer MS 697.

Discussion followed.

Moved by Johnson and seconded by Coleman to continue Layout Plan / LPL 22-01 to the February 28, 2022, Planning Commission meeting to address concerns of the Planning Commission.

All voting aye, the Motion carried 5 to 0.

8. REZONE / RZ 21-30: Paul HH Reinke Family Trust; Renner Associates - Agent. To rezone 9.541 acres from Suburban Residential District to Agriculture District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Commencing at the northeasterly corner of Lot 1 of Block 2 of Copper Oaks #3 Subdivision, common to a point on the southerly edge of Wild Turkey Way right-of-way, and the point of beginning. Thence, first course: along the southerly edge of said Wild

Turkey Way right-of-way, curving to the left, on a curve with a radius of 133.00 feet, a delta angle of 26°46'38", a length of 62.16 feet, a chord bearing of N 35°11'46" E, and chord distance of 61.59 feet; Thence, second course: along the southerly edge of said Wild Turkey Way right-of-way, N 22°44'38" E, a distance of 207.70 feet; Thence, third course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 117.00 feet, a delta angle of 37°56'31", a length of 77.48 feet, a chord bearing of N 41°46'05" E, and chord distance of 76.07 feet; Thence, fourth course: along the southerly edge of said Wild Turkey Way right-of-way, N 60°46'34" E, a distance of 176.79 feet; Thence, fifth course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 158.90 feet, a delta angle of 29°09'51", a length of 80.88 feet, a chord bearing of N 75°14'28" E, and chord distance of 80.01 feet, to a point on the section line common to Sections 7 and 8, T1S, R7E, BHM; Thence, sixth course: along the said section line, S 00°13'31" W, a distance of 1317.71 feet, to a point on the section ¼ line of said Section 7; Thence, seventh course: along the said section ¼ line, N 89°59'36" W, a distance of 66.80 feet, to a point on the northerly edge of Wilderness Canyon Road right-of-way; Thence, eighth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the left, on a curve with a radius of 560.13 feet, a delta angle of 13°14'06", a length of 129.39 feet, a chord bearing of N 41°13'32" W, and chord distance of 129.10 feet; Thence, ninth course: along the northerly edge of said Wilderness Canyon Road right-of-way, N 47°50'42" W, a distance of 218.98 feet; Thence, tenth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the right, on a curve with a radius of 410.94 feet, a delta angle of 10°17'55", a length of 73.86 feet, a chord bearing of N 42°40'14" W, and chord distance of 73.76 feet; Thence, eleventh course: along the northerly edge of said Wilderness Canyon Road right-of-way, N 37°29'10" W, a distance of 49.76 feet, to the southeasterly corner of said Lot 1; Thence, twelfth course: along the easterly boundary of said Lot 1, N 00°09'14" E, a distance of 574.59 feet, to the said Point of Beginning. Said Parcel contains 9.541 acres more or less.

(Continued from the November 22, 2021, Planning Commission meeting.)

Sack stated this Item has been continued in order for the mylar plat to be filed at Register of Deeds. Sack further stated the mylar has not been filed yet.

Staff recommended to continue Rezone / RZ 21-30 to the April 25, 2022, Planning Commission meeting.

Discussion followed.

Moved by Lewis and seconded Coleman to continue Rezone / RZ 21-30 to the April 25, 2022, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

9. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-01: Nicholas and Romina Hobart. To allow a Planned Unit Development Overlay for a Specialty Resort to include four rental cabins and the existing single-family residence to be used as a Vacation Home Rental/caretaker/manager's residence in accordance with Section 216 of the Pennington County Zoning Ordinance.

W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Specialty Resort to include four rental cabins and the existing single-family residence to be used as a Vacation Home Rental/caretaker/manager's residence.

Staff recommended approval of Planned Unit Development Overlay / PU 22-01 with the following eighteen (18) conditions:

1. That the approved uses of the Specialty Resort include: 4 rental cabins, vacation home rentals, and the existing single-family residence to be used as the manager's residence;
2. That the unit number assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way, in accordance with Pennington County's Ordinance #20;
3. That the address for the main house (11477 Gillette Prairie Road) continue to be posted on the residence and so that it is visible from both directions of travel on Gillette Prairie Road, in accordance to Pennington County's Ordinance #20;
4. That all Vacation Home Rentals meet section § 319 (PCZO);
5. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance § 310, which requires one (1) parking space per guest bedroom for each cabin;
6. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of § 312 of the PCZO;
7. That the applicant maintains all necessary permits from other governing bodies for the operation of the Specialty Resort, 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;
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 in the event of an emergency and that a copy of said plan continue to be kept on file at the Planning Department;

9. That the property remains free of debris and junk vehicles and all structures be well-maintained;
10. That all existing drainage ways be maintained and that 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;
11. 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;
12. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
14. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
15. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
16. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
17. That quiet hours for the Specialty Resort be between 10 p.m. and 8 a.m.; and,
18. That this Planned Unit Development Overlay be reviewed in one (1) year, 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 Johnson and seconded by Lewis to approve of Planned Unit Development Overlay / PU 22-01 with the following twenty (20) conditions:

- 1. That the approved uses of the Specialty Resort include: 4 rental cabins, vacation home rentals, and the existing single-family residence to be used as the manager's residence;**
- 2. That the unit number assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way, in accordance with Pennington County's Ordinance #20;**

3. That the address for the main house (11477 Gillette Prairie Road) continue to be posted on the residence and so that it is visible from both directions of travel on Gillette Prairie Road, in accordance to Pennington County's Ordinance #20;
4. That all Vacation Home Rentals meet Section § 319 (PCZO);
5. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance § 310, which requires one (1) parking space per guest bedroom for each cabin;
6. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of § 312 of the PCZO;
7. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit
8. That the applicant maintains all necessary permits from other governing bodies for the operation of the Specialty Resort, 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;
9. 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 continue to be kept on file at the Planning Department;
10. That the property remains free of debris and junk vehicles and all structures be well-maintained;
11. That all existing drainage ways be maintained and that 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;
12. 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;
13. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;

15. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
16. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
17. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
18. That quiet hours for the Specialty Resort be between 10 p.m. and 8 a.m.;
19. That the requirements of Section 204-J be followed at all times and be continually met; and,
20. That this Planned Unit Development Overlay be reviewed in one (1) year, 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 5 to 0.

10. COUNTY BOARD REPORT

The Board of Commissioners heard Planning Commission's recommendations from their January 10th and January 24th meetings on Tuesday, February 1st.

Rezone 21-32: Michael and Angela Holmberg; Renner Associates - Agent. To rezone 1.00 acre from Agriculture District to Low Density Residential District was continued to the February 15th Board meeting.

Comprehensive Plan Amendment 21-16; Rezone 21-34; and Rezone 21-35: Valley Development, LLC was approved by the Board 3-2.

Ordinance Amendment 21-25: To amend the Subdivision Regulations will be heard at the Board meeting on Tuesday, February 15th.

11. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

12. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for January 2022. Commissioner LaCroix discussed the process of how the cost of a Building Permit is determined.

13. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

14. ADJOURNMENT

Moved by Johnson and seconded by Coleman to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 9:52 a.m.

Karen McGregor, Chairperson