

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 25, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Kevin Burton, Mikal Lewis, Kevin Kuehn, and Lloyd LaCroix.

STAFF PRESENT: Brittney Molitor, Jason Theunissen, Megan Talmage, Christine Phillip, Cody Sack, TJ Doreff, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MARCH 11, 2024, MINUTES
Moved by McGregor and seconded by Lewis to approve the Minutes of the February 26, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Kuehn and seconded by McGregor to approve the Agenda of the March 25, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.

Commissioner Burton appeared at the meeting at 9:07 a.m.

3. APPROVAL OF THE CONSENT AGENDA
Moved by Lewis and seconded by Kuehn to approve the Consent Agenda of the March 25, 2024, Planning Commission meeting, with the removal of Item #13. 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 95-31**: Rapid City Water Reclamation Facility. To review a water reclamation facility to allow for expansion of the facility and renovation of a portion of the old facility in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

NW1/4NE1/4 Less West 66 feet in Section 25, T1N, R8E; E1/2NE1/4 in Section 25, T1N, R8E; SE1/4NW1/4SE1/4 Less PT Lot A and PT lying N of Creek; SW1/4SE1/4; SW1/4NW1/4SE1/4 Less N210 ft and Less W100 ft in Section 24, T1N, R8E; and Lot 1 of Steen Subdivision in Section 25, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 95-31 with the following five (5) conditions:

1. That the addition of accessory structures be allowed through the issuance of Building Permits which will include necessary site plans to be reviewed and approved by the director;
2. That any work done within the regulated Special Flood Hazard Area is done in conformance with the Flood Damage Prevention Ordinance, which includes obtaining an approved Floodplain Development Permit;
3. That any expansion of the water reclamation facility will require review of this Conditional Use Permit;
4. That all Environmental Protection Agency and South Dakota Department of Agriculture and Natural Resources Permits are continually maintained; and,
5. That this Conditional Use Permit be reviewed on a complaint basis only.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 06-33**: Zachary and Chelsea Burke. To review a customary home occupation, an animal hospital, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot A Less Seger Drive, Freeland Subdivision, Section 19, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 06-33 with the following eleven (11) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
2. That no more than four (4) employees are employed at any given time;
3. That the home occupation is conducted entirely within an enclosed structure and no stock in-trade be displayed outside the enclosed structure;
4. That no alterations to the property or any structure thereon shall indicate that it is being utilized in whole or in part for any purpose other than residential use;
5. That a minimum of one (1) business sign be allowed. The sign may either be one (1) wall sign or one (1) free standing sign, and must not exceed six (6) square feet in area;
6. That the applicant disposes of the animal waste in a timely manner;
7. That a minimum of five (5) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;

8. That the home occupation be limited to a vet clinic business only. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
9. That the daily hours of operation shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays;
10. That the number of large animals be limited to 10 at any one time; and,
11. 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 ensure that all conditions are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 16-31**: Black Hills Raptor Center. To review a bird education and health facility in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

S800 feet of E350 feet of NE1/4SE1/4 less Right-of-Way, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 16-31 with the following fourteen (14) conditions:

1. That the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;
2. That prior to the approval of any Building Permit(s), the applicant obtains written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;
3. That prior to the approval of a Building Permit, the applicant meets with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for this Conditional Use Permit;
4. That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; single-family caretaker's residence, garage and out-building; clinic building (not to exceed a total of 3,000 square feet); semi-heated mews (not to exceed a total of 1,120 square feet); unheated mews (not to exceed a total of 1,120 square feet); storage and hallway to exterior of mews (not to exceed a total of 840 square feet); cold storage (not to exceed a total of 1,000 square feet); heated storage / workshop (not to exceed a total of 500 square feet); three (3) rehab pods (not to exceed a total of 1,600 square feet total); pole barn used for flights (not to exceed a total of 6,000 square feet); residence (not to exceed

1300 square feet); garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;

5. That during the construction, the applicant adheres the requirements of § 507 of the Pennington County Zoning Ordinance;
6. That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;
7. That all on-site wastewater treatment systems (OSWTS) require proper permitting and approval by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 331 and South Dakota Administrative Rules 74:53:01;
8. That the applicant adheres to all necessary local, state, and federal regulations and maintains the necessary permits to conduct the organization's activities;
9. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;
10. 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 Pennington County Zoning Ordinance;
11. That a minimum of twenty-eight (28) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;
12. 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;
13. That the applicant adheres to § 510 of the Pennington County Zoning Ordinance; and,
14. That this Conditional Use Permit be reviewed in three (3) years or 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.

7. **CONDITIONAL USE PERMIT REVIEW / CUR 21-16:** Kyle Brown. To review a caregiver's residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 9 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 21-16 with the following eight (8) conditions:

1. **That the addresses for both the proposed single-family residence and the proposed caregiver's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;**
2. **That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner;**
3. **That a 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;**
4. **That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or a setback Variance be obtained;**
5. **That the caregiver's residence use the existing approach off of Country Road and no new approaches are allowed;**
6. **That the subject property remains free of debris and junk vehicles;**
7. **That once care is no longer needed, the caregiver's residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,**
8. **That this Conditional Use Permit be reviewed in five (5) years, 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 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CUR 21-49:** Kyle and Claire Schmidt. To review a Guest House in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract 5, Red Rock Valley Subdivision, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 21-49 with the following thirteen (13) conditions:

1. That only 1 Guest House be allowed and the Guest House shall not be used for more than 180 days per calendar year;
2. That rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
3. That the Guest House has its own assigned address, and not be a single-wide mobile home or a Recreational Vehicle;
4. That the addresses assigned to the Guest House and the primary residence continue to be posted on each residence and at the end of the driveway where it intersects Perry Place so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment Systems (OSWTS) comply with Pennington County Zoning Ordinance (PCZO) § 331;
6. That all necessary permits are obtained prior to any additions and/or alterations to the Guest House or upgrades/alterations to the OSWTS;
7. That maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;
8. That the Guest House shall have a minimum setback of 25-feet from all property lines;
9. That the primary residence on the property be owner occupied, per PCZO § 318(B)(10);
10. That at least 1 off-street parking space be provided for the Guest House;
11. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO § 318;
12. 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,
13. 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 ensure compliance with the PCZO, Conditions of Approval, and state law.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CUR 22-49**: Leslie and Tina Wasson. To review a caregivers residence on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

W171.68 of E314.5 of Lot 2, Block 1, Ashland Subdivision, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit Review / CUR 22-49 to the April 8, 2024, Planning Commission meeting.

Vote: unanimous 6 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CUR 23-01**: Cal SD, LLC / Tina Roberts. To review a multiple-family dwelling in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot B, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-01 with the following six (6) conditions:

1. **That a minimum of 4 off-street parking spaces 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)(l);**
2. **That the applicant adheres to the requirements of PCZO § 303;**
3. **That the minimum setback requirements of an Agriculture District be continually maintained on the property;**
4. **That the assigned addresses continue to be posted on each dwelling unit and at the end of the driveway where it intersects Clarkson Road, in accordance with Pennington County Ordinance #20;**
5. **That an approved Building Permit be obtained for any future structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
6. **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.

11. **CONDITIONAL USE PERMIT REVIEW / CUR 23-05**: Joseph and Madison Hammel. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4, Block 1, Alpine Acres Meadow, Section 13, T2N, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-05 with the following fifteen (15) conditions:

1. **That the maximum overnight occupancy, based on the SD Department of Agriculture and Natural Resources (SD DANR), be limited to six people and the maximum daytime occupancy be limited to twelve people, per Pennington County Zoning Ordinance § 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) 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 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;**
8. **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;**

9. That the lot address (12315 Whitetail Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Whitetail 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 § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Jordan Hirschfeld, 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;
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; and,
15. That this Conditional Use Permit be reviewed in three (3) 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.

12. **CONDITIONAL USE PERMIT REVIEW / CU 21-10:** Hadly Eisenbeisz and Kristin Brost. To review a shed as a principle use in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

High No. 4 Lode MS 1948, Sections 25 and 36, T2N, R4E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit Review / CUR 21-10 to the April 22, 2024, Planning Commission meeting.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

13. MINING PERMIT REGISTRATION / MP 20-11: Pete Lien & Sons, Inc. To register existing mining operations (CP99-29, CP99-43, CP99-44, CP01-05, CP05-11, CP08-06, and CP08-07) in accordance with the Pennington County Zoning Ordinance.

E1/2SE1/4, Section 19, T2N, R7E; W1/2NW1/4, Section 20, T2N, R7E; E1/2NW1/4, Section 20, T2N, R7E; NW1/4NE1/4 (Including Lot B) Less Lot A, Less Lots 1-3 Feist Addition and Less 5245 feet of E232 feet; Vacated Feist Road Located in NW1/4NE1/4, Section 20, T2N, R7E; NW1/4SW1/4, Section 20, T2N, R7E; E1/2SW1/2, Section 20, T2N, R7E; SW1/4SE1/4, Section 20, T2N, R7E; Lots 1-6 of Lot B of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot 1 and 3-4 of Lot 1 of NE1/4NE1/4; Lot 2A and 2B of Lot 2 of Lot 1 of NE1/4NE1/4; Lot A of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot X and Y of Lot 1-D of Lot 1 of NE1/4NE1/4, Section 20, T2N, R7E; Tract A, Kinder Subdivision, Section 20, T2N, R7E; NW1/4NE1/4, Section 13, T2N, R6E; NE1/4NE1/4, Section 13, T2N, R6E; Lot 1; Lot 2R; Balance of Lot 3; Lot 4, Black Hills Light Opera Track Subdivision, Section 17, T2N, R7E; Balance W1/2NW1/4, Balance SE1/4NW1/4, Balance SW1/4, Section 17, T2N, R7E; Lot C, Keller Subdivision, Section 17, T2N, R7E; Lot 2, Keller Subdivision, Section 17, T2N, R7E; GL 1-2; E1/2NW1/4; W1/2NE1/4, Section 18, T2N, R7E; E1/2NE1/4, E1/2SW1/4, SE1/4, Lots 3-4, Section 18, T2N, R7E; Lot E of Lot 1B of Lot 1 of NE1/4NE1/4, Section 20, T2N, R7E; W1/2SW1/4SE1/4; SE1/4SW1/4SE1/4; N1/2NE1/4SW1/4SE1/4, Section 24, T2N, R6E; E1/2NE1/4; NE1/4SE1/4, Section 24, T2N, R6E; NW1/4SE1/4, Section 24, T2N, R6E; E1/2SE1/4, Section 13, T2N, R6E; PT S1/2S1/2, Section 12, T2N, R6E; N1/2NW1/4, Section 13, T2N, R6E; That Portion of GL 4 located in Pennington County, Section 7, T2N, R7E; PT SE1/4SW1/4; PT SW1/4SE1/4, Section 7, T2N, R7E; Lots 1-3, Block 1, Feist Addition, Section 20, T2N, R7E; Lot 1, Limestone Tunnel Subdivision, Section 20, T2N, R7E; Balance of Lot C of SW1/4NE1/4, Section 17, T2N, R7E; Lot 2 of Lot C of SE1/4SE1/4, Masteller Addition, Section 7, T2N, R7E; all located in BHM, Pennington County, South Dakota.

Chairman Johnson requested this item be removed from the Consent Agenda for discussion.

Sack stated Staff is recommending this item be continued to the May 28, 2024, Planning Commission meeting.

Discussion followed.

Moved by McGregor and seconded by Lewis to continue Mining Permit Registration / MP 20-11 to the May 28, 2024, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

Commissioner Burton left the meeting at 9:23 a.m.
Commissioner Burton returned to the meeting at 9:24 a.m.

14. PLANNED UNIT DEVELOPMENT OVERLAY / COPU 24-0002: Daniel and Chanda Knoof. To allow for agri-tourism on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Price Estates Subdivision, Section 21, T2N, R10E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicants have applied for a Planned Unit Development Overlay to allow for agri-tourism on the subject property.

Staff recommended approval of Planned Unit Development Overlay / COPU 24-0002 with the following twenty-one (21) conditions:

1. That the approved uses of the Planned Unit Development include: a single-family residence, accessory structures related to agritourism, 3 recreational vehicle sites, on-site tours, and the sale of baked goods and produce.
2. 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;
3. That prior to any disturbance done in the Special Flood Hazard Area, the applicant obtain a Floodplain Development Permit;
4. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
7. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That any Recreational Vehicle (RV) site must comply with PCZO §306
9. That each RV site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the RV site.
10. That each RV site be equipped with electrical hookups and water and sewer hookups;
11. That if the applicant utilizes fire pits or charcoal grills for the RV sites, permits be obtained from South Dakota Wildland Fire prior to utilization and any applicable fire restrictions or bans be adhered to at all times;
12. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property;
13. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;

15. That any rental site within the PUD obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 331 and South Dakota Administrative Rules 74:53:01;
17. That setbacks for all structures shall comply with those required in an Agriculture District;
18. That the applicants obtain an approved Approach Permit from the County Highway Department;
19. That the applicants follow PCZO §322 for special animal keeping;
20. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
21. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Moved by Lewis and seconded by Kuehn to approve of Planned Unit Development Overlay / COPU 24-0002 with the following twenty-one (21) conditions:

- 1. That the approved uses of the Planned Unit Development include: a single-family residence, accessory structures related to agritourism, 3 recreational vehicle sites, on-site tours, and the sale of baked goods and produce.**
- 2. 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;**
- 3. That prior to any disturbance done in the Special Flood Hazard Area, the applicant obtain a Floodplain Development Permit;**
- 4. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;**
- 5. That all natural drainage paths be continually maintained;**
- 6. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;**
- 7. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;**

8. That any Recreational Vehicle (RV) site must comply with PCZO §306;
9. That each RV site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the RV site.
10. That each RV site be equipped with electrical hookups and water and sewer hookups;
11. That if the applicant utilizes fire pits or charcoal grills for the RV sites, permits be obtained from South Dakota Wildland Fire prior to utilization and any applicable fire restrictions or bans be adhered to at all times, and the applicants 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;
12. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property;
13. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That any rental site within the PUD obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
16. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 331 and South Dakota Administrative Rules 74:53:01;
17. That setbacks for all structures shall comply with those required in an Agriculture District;
18. That the applicants obtain an approved Approach Permit from the County Highway Department;
19. That the applicants follow PCZO §322 for special animal keeping;
20. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
21. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

15. ORDINANCE AMENDMENT / OA 24-01: Pennington County. To repeal Section 318 “Guest House” [to repeal the existing Section 318 “Guest House”] of the Pennington County Zoning Ordinance.

Theunissen stated this is a proposed Ordinance Amendment to repeal Section 318 Guest House.

Discussion followed.

Moved by McGregor and seconded by Burton to approve of Ordinance Amendment / OA 24-01.

All voting aye, the Motion carried 6 to 0.

16. ORDINANCE AMENDMENT / OA 24-02: Pennington County. To amend Section 511 “Fees” [to amend and supersede the existing Section 511 “Fees”] of the Pennington County Zoning Ordinance.

Theunissen stated this is a proposed Ordinance Amendment to amend Section 511 Fees.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Ordinance Amendment / OA 24-02.

All voting aye, the Motion carried 6 to 0.

17. ORDINANCE AMENDMENT / OA 24-03: Pennington County. To amend Section 319 “Vacation Home Rental” [to amend and supersede the existing Section 319 “Vacation Home Rental”] of the Pennington County Zoning Ordinance.

Sack stated this is a proposed Ordinance Amendment to amend Section 319 Vacation Home Rental.

Discussion followed.

Commissioner Burton left the meeting at 10:01 a.m.

Commissioner Burton returned to the meeting at 10:03 a.m.

Commissioner LaCroix stated he would be abstaining from voting on this item.

Moved by Burton and seconded by Lewis to continue Ordinance Amendment / OA 24-03 to the April 8, 2024, Planning Commission meeting.

Substitute Motion: Moved by Burton and seconded by Lewis to continue Ordinance Amendment / OA 24-03 to the April 22, 2024, Planning Commission meeting.

All voting, the Motion carried 5 to 0. Commissioner LaCroix abstained.

18. ORDINANCE AMENDMENT / OA 24-04: Pennington County. To amend Section 511 “Fees” [to amend and supersede the existing Section 511 “Fees”] of the Pennington County Zoning Ordinance.

Sack stated this is a proposed Ordinance Amendment to amend Section 511 Fees.

Staff originally recommended approval of Ordinance Amendment / OA 24-04, but is now recommending to continue to the April 22, 2024, Planning Commission meeting.

Moved by Lewis and seconded by Burton to continue Ordinance Amendment / OA to the April 22, 2024, Planning Commission meeting.

All voting, the Motion carried 5 to 0. Commissioner LaCroix abstained.

19. EXECUTIVE SESSION.

Executive Session was not needed.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 11, 2024, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

There were no items from the public.

22. ITEMS FROM THE STAFF

There were no items from Staff.

23. ITEMS FROM THE MEMBERSHIP

Chairman Johnson spoke of Section 319 and the Vacation Home Rental Committee.

24. ADJOURNMENT

Moved by Burton and seconded by McGregor to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:08 a.m.

Charlie Johnson, Chairperson