

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

April 22, 2024 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Jim Coleman, Mikal Lewis, Kevin Kuehn, and Deb Hadcock.

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

ROLL CALL

1. APPROVAL OF THE APRIL 8, 2024, MINUTES
Moved by Kuehn and seconded by Lewis to approve the Minutes of the April 8, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by Lewis to approve the Agenda of the April 22, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.

3. APPROVAL OF THE CONSENT AGENDA
Moved by McGregor and seconded by Coleman to approve the Consent Agenda of the April 22, 2024, Planning Commission meeting, with the removal of Item #7. 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 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.

(Continued from the March 25, 2024, Planning Commission meeting.)

To end Conditional Use Permit / CUR 21-10 with the applicants' concurrence.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 21-37:** Todd and Deborah Proctor. To review a Recreational Vehicle to be lived in on the subject property, less than 180 days per calendar year, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

PT of Hope Placer, MS 1653 aka NW1/4SW1/4NW1/4, Hope Placer MS 1653, Section 9, T1N, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 21-37 with the following thirteen (13) conditions:

1. **That there continue to be no more than 1 Recreational Vehicle (RV) is allowed to be utilized as temporary living quarters on the subject property;**
2. **That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;**
3. **That the RV be pumped and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;**
4. **That an approved On-site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to any installation of an OSWTS on the property;**
5. **That an address continue to be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Mystic Road, in accordance with Pennington County Ordinance #20;**
6. **That the minimum setback requirements of Agriculture District continue to be maintained on the subject property, or an approved Setback Variance(s) be obtained;**
7. **That the minimum 58-foot Section Line setback continue to be maintained on the property;**
8. **That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;**
9. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
10. **That the property continues to remain free of debris and junk vehicles;**
11. **That the applicant continues to adhere to Pennington County Zoning Ordinance § 510;**

12. That the applicant obtains a Building Permit for the single-family residence within six (6) months of approval of this review; and,
13. That this Conditional Use Permit be reviewed in six (6) months, 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.

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

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

To approve of Conditional Use Permit Review / CUR 22-13 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 is clearly posted on the shop with living quarters and future single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters) once the residence is complete;
4. That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the living quarters be removed or a Conditional Use Permit be obtained once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
6. That at the time of a Building Permit, the address for the new residence be taken off of 227th St.;
7. That when the new house is complete, the applicants obtain a removal permit to remove the living quarters from the shop;
8. That the subject property remains free of debris and junk vehicles; and,

9. **That 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.**

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CUR 23-02**: Joseph Meixell. To review living in the existing modular mobile home while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

E528 feet of SW1/4SW1/4, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CUR 23-02, with the applicant's concurrence, as the single-family residence is habitable and the double-wide manufactured home has been removed from the property.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

7. **CONDITIONAL USE PERMIT REVIEW / CUR 22-44**: Rodney Alexander. To review an Accessory Dwelling Unit on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 15R, Burns Placer MS 697, Section 24, T1S, R4E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit Review / CUR 22-44 with the following sixteen (16) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the applicants obtain an approved Building Permit for the ADU;
3. That prior to the submittal of a Building Permit, the applicant obtain an Approach Permit from the County Highway Department.
4. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
5. That the ADU has a residential appearance and cannot be a Recreational Vehicle;

6. 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 Deerfield Road so they are clearly visible, in accordance with Pennington County Ordinance #20;
7. That the On-site Wastewater Treatment System (OSWTS) complies with § 331(J) of the Pennington County Zoning Ordinance (PCZO);
8. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
9. 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;
10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
13. That at least 1 off-street parking space be provided for the ADU;
14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
15. 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,
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 to add a condition where the applicant moves the carport from its current location and on to the subject property within 90 days of approval of the extension of the Conditional Use Permit and the carport meet current setbacks to the property lines.

Moved by Johnson and seconded by Lewis to add a condition that states: “That within 90 days of approval of the extension of this Conditional Use Permit, the applicant removes the existing carport from its current location and place it on the subject property.”

All voting aye, the Motion carried 5 to 0.

Moved by Johnson and seconded by Coleman to approve of Conditional Use Permit Review / CUR 22-44 with the following seventeen (17) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the applicants obtain an approved Building Permit for the ADU;**
- 3. That prior to the submittal of a Building Permit, the applicant obtain an Approach Permit from the County Highway Department.**
- 4. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 5. That the ADU has a residential appearance and cannot be a Recreational Vehicle;**
- 6. 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 Deerfield Road so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 7. That the On-site Wastewater Treatment System (OSWTS) complies with § 331(J) of the Pennington County Zoning Ordinance (PCZO);**
- 8. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;**
- 9. 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;**
- 10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;**
- 11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;**
- 12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;**
- 13. That at least 1 off-street parking space be provided for the ADU;**
- 14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;**
- 15. 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;**

16. **That within 90 days of approval of the extension of this Conditional Use Permit, the applicant removes the existing carport from its current location and place it on the subject property; and,**
17. **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. PRELIMINARY PLAN / COPPL 24-0006: Lynn and Jodi Jensen. To subdivide and create Lots 1, 2, and 3 of Nebraska Placer MS 676 Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: All Less RR Row, CO Road and Damfino 2 Subdivision; That PT of BNRR CO 300 ft wide station ground property at Rochford City, SD. Located on the Custer to Deadwood Branch Line ROW, being 150 ft wide on each side of Branch Line Main Track Centerline Less RR CO 100 ft wide Branch Line ROW and Less Damfino 2 Subdivision, all located in Nebraska Placer MS 676, Sections 13 and 24, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Nebraska Placer MS 676 Subdivision, Sections 13 and 24, T2N, R3E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Preliminary Plan to subdivide and create Lots 1, 2, and 3 of Nebraska Placer MS 676 Subdivision.

Staff recommended approval of Preliminary Plan / COPPL 24-0006 with the following five (5) conditions:

1. That at the time of submittal of the Final Plan, Register of Deeds' comments in this report be addressed;
2. That at the time of submittal of the Final Plan, County Highway comments in this report be addressed;
3. That at the time of submittal of the Final Plan, the Final Plan meet requirements of § 601 of the Subdivision Regulations;
4. That at the time of submittal of the Preliminary Plan, the Certifications on the Preliminary Plan be in accordance with §§ 1702 & 1703 of the Pennington County Subdivision Regulations; and,
5. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Coleman and seconded by Lewis to approve of Preliminary Plan / COPPL 24-0006 with the following five (5) conditions:

- 1. That at the time of submittal of the Final Plan, Register of Deeds' comments in this report be addressed;**
- 2. That at the time of submittal of the Final Plan, County Highway comments in this report be addressed;**
- 3. That at the time of submittal of the Final Plan, the Final Plan meet requirements of § 601 of the Subdivision Regulations;**
- 4. That at the time of submittal of the Preliminary Plan, the Certifications on the Preliminary Plan be in accordance with §§ 1702 & 1703 of the Pennington County Subdivision Regulations; and,**
- 5. That approval of this Preliminary Plan 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.

10. CONDITIONAL USE PERMIT / COCU 24-0008: Matt and Paula Martin. To allow a Guest House on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Hanson Heights Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Phillip reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Guest House.

Staff recommended approval of Conditional Use Permit / COCU 24-0008 with the following twelve (12) conditions:

1. That only one (1) Guest House be allowed;
2. That within two (2) years of approval of Conditional Use Permit / COCU 24-0008, the applicants apply for a Building Permit for the Guest House in accordance with all requirements of the PCZO Section 510 (G)(2);
3. That the primary residence be continually classified as owner-occupied; and that proof of status be provided to the Planning Department upon request, in accordance with PCZO Section 318(B)(10);
4. That rental or use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;

5. That prior to the issuance of a Building Permit for the Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence;
6. That the maximum allowed living space of the Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;
7. That the Guest House shall not be used for more than 180 days per calendar year;
8. That the applicants obtain a separate On-site Wastewater Treatment System Permit for the Guest House and that it be in compliance with PCZO Section 331;
9. That the addressees assigned for the primary residence and the Guest House be posted on each structure at all times and also be posted where the primary access to those homes intersects with Highway 40, in accordance with Pennington County Ordinance #20;
10. 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;
11. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO § 318; and,
12. 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 Lewis and seconded by Kuehn to approve of Conditional Use Permit / COCU 24-0008 with the following twelve (12) conditions:

- 1. That only one (1) Guest House be allowed;**
- 2. That within two (2) years of approval of Conditional Use Permit / COCU 24-0008, the applicants apply for a Building Permit for the Guest House in accordance with all requirements of the PCZO Section 510 (G)(2);**
- 3. That the primary residence be continually classified as owner-occupied; and that proof of status be provided to the Planning Department upon request, in accordance with PCZO Section 318(B)(10);**
- 4. That rental or use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;**

5. That prior to the issuance of a Building Permit for the Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence;
6. That the maximum allowed living space of the Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;
7. That the Guest House shall not be used for more than 180 days per calendar year;
8. That the applicants obtain a separate On-site Wastewater Treatment System Permit for the Guest House and that it be in compliance with PCZO Section 331;
9. That the addressees assigned for the primary residence and the Guest House be posted on each structure at all times and also be posted where the primary access to those homes intersects with Highway 40, in accordance with Pennington County Ordinance #20;
10. 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;
11. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO § 318; and,
12. 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.

11. PRELIMINARY PLAN / COPPL 24-0005: Charles and Jenny Hanson. To subdivide and create Lot A of Sam's Addition in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Plainview Lode MS 2072, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A of Sam's Addition, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to subdivide and create Lot A of Sam's Addition.

Staff recommended approval of Preliminary Plat / COPPL24-0005 with the following seven (7) conditions:

1. That at the time of Final Plan submittal, the certificates be in accordance with § 1702 and 1703 of the Pennington County Subdivision Regulations;
2. That at the time of Final Plat submittal, the plat meets the requirements of § 600 of the Pennington County Subdivision Regulations;
3. That at the time of submittal of the Final Plan, the Preliminary Plan indicates all easements, to include 8-foot utility and minor drainage easements provided on the interior side of all lot lines;
4. That prior to Final Plan submittal, the applicant addresses the comments made by the Register of Deeds;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked;
6. 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;
7. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Hadcock and seconded by Kuehn to approve of Preliminary Plat / COPPL24-0005 with the following seven (7) conditions:

- 1. That at the time of Final Plan submittal, the certificates be in accordance with § 1702 and 1703 of the Pennington County Subdivision Regulations;**
- 2. That at the time of Final Plat submittal, the plat meets the requirements of § 600 of the Pennington County Subdivision Regulations;**
- 3. That at the time of submittal of the Final Plan, the Preliminary Plan indicates all easements, to include 8-foot utility and minor drainage easements provided on the interior side of all lot lines;**
- 4. That prior to Final Plan submittal, the applicant addresses the comments made by the Register of Deeds;**
- 5. That the applicant ensures all-natural drainage ways are maintained and not blocked;**

6. **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;**
7. **That approval of this Preliminary 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.

12. CONDITIONAL USE PERMIT / CU 23-32: Saint Patrick, LLC; Doyle Estes - Agent. To allow a manager/caretaker's residence on the subject property in a Commercial District in accordance with the Pennington County Zoning Ordinance.

(Continued from the February 12, 2024, Planning Commission meeting.)

Lot B of NW1/4NE1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating this item had been continued from the February 12, 2024, Planning Commission meeting to allow the applicant time to address concerns of the Planning Commission.

Staff recommended to deny without prejudice Conditional Use Permit / CU 23-32, as the request does not meet the Pennington County Zoning Ordinance definition of a Caretaker's Residence.

If the Planning Commission disagrees and approves the request. Staff would recommend the following twelve (12) conditions:

1. That the residence only be used by the manager of the non-residential operation and their immediate family;
2. That no other employees reside in the commercial building or residence;
3. That no RV's be utilized as living quarters on the subject property;
4. That the applicant obtains an approved Building Permit for the residence and pay all applicable penalty fees;
5. That the applicant ensures that all-natural drainage ways must be maintained and are not blocked;
6. That the property remains free of junk and debris;
7. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing;
8. That the structure maintains the fire sprinkler system and all fire codes continually be met;

9. 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;
10. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
11. That a separate address be assigned to the residence and that it be posted in accordance with Ordinance #20; and,
12. 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 Lewis and seconded by Kuehn to approve of Conditional Use Permit / CU 23-32 with the following twelve (12) conditions:

- 1. That the residence only be used by the manager of the non-residential operation and their immediate family;**
- 2. That no other employees reside in the commercial building or residence;**
- 3. That no RV's be utilized as living quarters on the subject property;**
- 4. That the applicant obtains an approved Building Permit for the residence and pay all applicable penalty fees;**
- 5. That the applicant ensures that all-natural drainage ways must be maintained and are not blocked;**
- 6. That the property remains free of junk and debris;**
- 7. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing;**
- 8. That the structure maintains the fire sprinkler system and all fire codes continually be met;**
- 9. 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;**
- 10. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**

11. **That a separate address be assigned to the residence and that it be posted in accordance with Ordinance #20; and,**
12. **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.

13. CONDITIONAL USE PERMIT / COCU 24-0010: RFL Holdings, LLC; Ryan Remington. To allow a Vacation Home Rental in an Agriculture District and Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 29-33 of SW1/4NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota.

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 / COCU 24-0010 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (F)(13);
2. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit documents at the Pennington County Planning Department;
3. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
4. That each review of Conditional Use Permit / COCU24-0010, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
5. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
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 space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, § 319(G)(1)(n);
9. That prior to operation, the lot address (6517 South Canyon Road) be continually posted on the residence at all times and so it is clearly visible from South Canyon Road in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Adam Perrigo, 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 if a Special Flood Hazard Area (SFHA) is located within one (1) mile of the Vacation Home Rental, then a color map illustrating where the SFHA is located, as determined by the Federal Emergency Management Agency, shall be posted;
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Hadcock and seconded by Lewis to approve of Conditional Use Permit / COCU 24-0010 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (F)(13);**

2. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit documents at the Pennington County Planning Department;
3. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
4. That each review of Conditional Use Permit / COCU24-0010, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
5. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
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 space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, § 319(G)(1)(n);
9. That prior to operation, the lot address (6517 South Canyon Road) be continually posted on the residence at all times and so it is clearly visible from South Canyon Road in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Adam Perrigo, 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 if a Special Flood Hazard Area (SFHA) is located within one (1) mile of the Vacation Home Rental, then a color map illustrating where the SFHA is located, as determined by the Federal Emergency Management Agency, shall be posted;**
15. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
16. **That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

14. 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.

(Continued from the March 25, 2024, Planning Commission meeting.)

Molitor stated this is a proposed Ordinance Amendment to amend Section 319.

Staff recommended approval of Ordinance Amendment / OA 24-03.

Moved by Hadcock and seconded by Lewis to review Ordinance Amendment / OA 24-03 page-by-page. All voting aye, the Motion carried 5 to 0.

Discussion followed.

Moved by Lewis and seconded by Hadcock to have the Planning Department require a license number in all advertising of Vacation Home Rentals, to include with the Conditional Use Permit.

Substitute Motion: Moved by Hadcock and seconded by Lewis to direct the Planning Department to prepare a draft of the recommended changes, pursuant to the Planning Commission’s recommendations. All voting aye, the Motion carried 5 to 0.

Discussion continued.

Moved by Hadcock and seconded by Lewis to amend language in A-C-3 from “similar building” to “unit”. All voting aye, the Motion carried 5 to 0.

Moved by Kuehn and seconded by Hadcock to amend language in E-3-a to simplify the parking language. Motion failed 4 to 1. Commissioner Kuehn voted yes. Commissioners Johnson, Coleman, Lewis, and Hadcock voted no.

Commissioner Lewis left the meeting at 11:14 a.m.

Commissioner Lewis returned to the meeting at 11:15 a.m.

Moved by Kuehn and seconded by Lewis to continue Ordinance Amendment /OA 24-03 to the May 13, 2024, Planning Commission meeting to include the proposed recommended changes.

All voting, the Motion carried 4 to 1. Chairman Johnson voted no. Commissioners Coleman, Lewis, and Kuehn, and Hadcock voted yes.

15. 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.

(Continued from the March 25, 2024, Planning Commission meeting.)

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

Staff recommended approval of Ordinance Amendment / OA 24-04.

Moved by Hadcock and seconded by Lewis to approve of Ordinance Amendment / OA 24-04.

Substitute Motion: Moved by Hadcock and seconded by Lewis to continue Ordinance Amendment / OA 24-04 to May 13, 2024, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

16. EXECUTIVE SESSION

Executive Session was not needed.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the April 8, 2024, Planning Commission meeting.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

There were no items from staff.

20. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

21. ADJOURNMENT

Moved by Hadcock and seconded by Lewis to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 11:40 a.m.

Charlie Johnson, Chairperson