

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 9, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Jim Coleman, Mikal Lewis, Kevin Kuehn, and Gary Drewes.

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

ROLL CALL

1. APPROVAL OF THE APRIL 25, 2022, MINUTES
Moved by Johnson and seconded by McGregor to approve the Minutes of the April 25, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by Drewes to approve the Agenda of the May 9, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Kuehn and seconded by McGregor to approve the Consent Agenda of the May 9, 2022, Planning Commission meeting. Vote: unanimous 7 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 12-18:** Paul and Dawn Marso. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block B, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 12-18 with the following fourteen (14) conditions:

1. **That the 2-bedroom Vacation Home Rental be allowed up to 8 overnight guests and maximum of 12 day guests;**
2. **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;**

3. That a minimum of 2 off-street parking spaces 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;
4. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Swiss Drive in accordance with Pennington County's Ordinance #20;
5. 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;
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 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;
8. That the applicants maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
9. That the applicant continually complies with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
10. That each review of Conditional Use Permit / CU 12-18, be subject to PCZO § 511(P), which includes a \$100 fee per review;
11. That the proper permits continue to be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all time;
12. 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;
13. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, 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; and,
14. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify all Conditions are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 19-18:** Perry and Vicki Van Newkirk. To allow review a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-18 with the following fourteen (14) conditions:

1. **That the maximum overnight occupancy, based on South Dakota Department Agriculture and Natural Resources (SD DANR) approval, be limited to 12 people and the maximum daytime occupancy be limited to 24 people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (13);**
2. **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;**
3. **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;**
4. **That the applicants continually maintain 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 be kept on file at the Planning Department;**
5. **That a minimum of 4 off-street parking spaces 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;**
6. **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, as well as floodplain map per § 319(G)(1)(n);**
7. **That the lot address (12283 Deerfield Road) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;**
8. **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;**

9. That if the person designated as the Local Contact is ever changed from Lee Ann McDonald, 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;
10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
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 each review of Conditional Use Permit / CU 19-18, be subject to PCZO § 511(P), which imposes a \$100 fee per review; and,
14. 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.

Vote: unanimous 7 to 0.

5. **MINOR PLAT / MPL 22-12:** Little Guys, LLC/Benjamin Brink; KTM Design Solutions - Agent. To create Lots 1 and 2 of Powder House Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Also in Section 6 2S-6E, Maine Lode MS 1715; Less Lot H1, H2 and H3, West State Lode MS 1533; Less Lot H1 – Lot H6 and Less Beckman Sub #2, State Lode MS 1533, all of Section 5, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2, Powder House Subdivision, Sections 5 and 6, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 22-12 with the following seven (7) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;

3. That prior to the mylar being filed at Register of Deeds, the property owner either remove the 2 cabins located within the Section Line right-of-way or relocates or vacates the Section Line right-of-way;
4. That following the mylar being filed at Register of Deeds, a Major Planned Unit Development Amendment is applied for to account for the change in density and new arrangement of lots;
5. That the applicant ensures all natural drainage ways are maintained and not blocked;
6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
7. 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.

Vote: unanimous 7 to 0.

6. **MINOR PLAT / MPL 22-14:** Allan Knutson; D.C. Scott Surveyors. To reconfigure lot lines to create Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Lot 1; Lot B of Lot 1 and Lot C of Lot 1, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 22-14 with the following six (6) conditions:

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the designated platted turnarounds meet the Subdivision Regulation dimensions or the proper Subdivision Regulation Variance be obtained waiving the requirement;
3. That prior to filing the mylar with the Register of Deeds, the vacated portion of right-of-way be transferred to the existing owner or the original owner needs to sign the plat;

4. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
5. That the applicant ensures all natural drainage ways are maintained and are not blocked; and,
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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

7. CONDITIONAL USE PERMIT / CU 22-04: School House, LLC (Larry Teuber); Jessica Ginger - Agent. To allow a Vacation Home Rental in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pioneer Subdivision No. 3, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the February 28, 2022, Planning Commission meeting.)

Supboon stated this item was continued from the February 28th Planning Commission meeting in order for the residence to be finished and habitable.

Staff recommended approval of Conditional Use Permit / CU 22-04 with the following eighteen (18) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 6 people and the maximum daytime occupancy is limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if the cistern varies from the SD DANR approval letter, the applicant shall contact the DANR to obtain a new approval letter regarding the maximum overnight occupancy;
3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);

4. That if any addition is constructed on the residence and/or the OSWTS 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 SD DANR;
5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
6. That 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;
7. That each review of Conditional Use Permit / CU 22-04, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
8. That prior to the operation of the Vacation Home Rental, the applicant submits a copy of the Vacation Home License to the Planning Department;
9. That the applicant 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 upon request;
10. That the applicant maintains an Evacuation (Emergency) Plan, provides copies and educates all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency because Clarkson Road is a dead-end road system and that a copy of said plan be kept on file at the Planning Department;
11. That a minimum of 2 off-street parking spaces 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, and parking in the road Right-of-Way is not allowed;
12. 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;
13. That the lot address (9295 Clarkson Road) be posted on the residence at all times and at the driveway where it intersects Pioneer Circle, in accordance with Pennington County's Ordinance #20;
14. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
15. That if the person designated as the Local Contact is ever changed from Jessica Ginger, 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;

16. 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;
17. 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,
18. That this Conditional Use Permit be reviewed in 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 McGregor to approve of Conditional Use Permit / CU 22-04 with the following eighteen (18) conditions:

- 1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, is limited to 6 people and the maximum daytime occupancy is limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That if the cistern varies from the SD DANR approval letter, the applicant shall contact the DANR to obtain a new approval letter regarding the maximum overnight occupancy;**
- 3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);**
- 4. That if any addition is constructed on the residence and/or the OSWTS 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 SD DANR;**
- 5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 6. That 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;**
- 7. That each review of Conditional Use Permit / CU 22-04, be subject to PCZO § 511(P), which imposes a \$100 fee per review;**

8. That prior to the operation of the Vacation Home Rental, the applicant submits a copy of the Vacation Home License to the Planning Department;
9. That the applicant 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 upon request;
10. That the applicant maintains an Evacuation (Emergency) Plan, provides copies and educates all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency because Clarkson Road is a dead-end road system and that a copy of said plan be kept on file at the Planning Department;
11. That a minimum of 2 off-street parking spaces 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, and parking in the road Right-of-Way is not allowed;
12. 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;
13. That the lot address (9295 Clarkson Road) be posted on the residence at all times and at the driveway where it intersects Pioneer Circle, in accordance with Pennington County's Ordinance #20;
14. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
15. That if the person designated as the Local Contact is ever changed from Jessica Ginger, 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;
16. 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;
17. 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,
18. That this Conditional Use Permit be reviewed in 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, the Motion carried 6 to 1. Commissioner Drewes voted no.

8. **ROAD NAMING:** Edward and Tonya Mandy. To name a proposed 66-foot-wide Public Right-of-Way providing access to property located in Section 6, T1S, R7E, BHM, Pennington County, South Dakota, to Viridian Way.

Supboon reviewed the Staff Report indicating the applicants have applied to name a public right-of-way to Viridian Way.

Staff recommended approval of the Road Naming of Viridian Way.

Discussion followed.

Moved by Johnson and seconded by McGregor to approve of the Road Naming of Viridian Way.

All voting aye, the Motion carried 7 to 0.

9. **ROAD NAME CHANGE:** Tyrel Eisenbraun. To rename a 66-foot-wide Public Right-of-Way providing access to property located in Sections 1, 2, 12, 13, 24, 25, 35, and 36 of T1N, R14E; Sections 11, 12, 13, 14, 23, 25, 26, 35, and 36 of T2N, R14E, and Section 1, T1S, R14E, BHM, Pennington County, South Dakota, from Jensen Road to Crooked Creek Road.

Supboon reviewed the Staff Report indicating the applicants have applied to rename a public right-of-way from Jensen Road to Crooked Creek Road.

Staff recommended approval of the Road Name Change to Crooked Creek Road.

Discussion followed.

Moved by Drewes and seconded by Johnson to approve of the Road Name Change from Jensen Road to Crooked Creek Road.

All voting aye, the Motion carried 7 to 0.

10. **LAYOUT PLAN / LPL 22-15:** Isaac Almanza; Renner Associates - Agent. To subdivide and create Lot 1 of JV Subdivision and Lot 2R of HES #563 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 Less Lots H2 and H3 (also in Section 14) of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of JV Subdivision and Lot 2R of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan.

Staff recommended to continue Layout Plan / LPL 22-15 indefinitely, per the request of the applicant and surveyor.

Discussion followed.

Moved by Coleman and seconded by McGregor to continue Layout Plan / LPL 22-15 indefinitely, per the request of the applicant and surveyor.

All voting aye, the Motion carried 7 to 0.

11. REZONE / RZ 22-09: Isaac Almanza; Renner Associates - Agent. To rezone 7.137 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 2 Less Lots H2 and H3 of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone.

Staff recommended to continue Rezone / RZ 22-09 indefinitely, per the request of the applicant and surveyor.

Discussion followed.

Moved by Kuehn and seconded by Lewis to continue Rezone / RZ 22-09 indefinitely, per the request of the applicant and surveyor.

All voting aye, the Motion carried 7 to 0.

12. PRELIMINARY PLAT / PPL 22-13: Martha Washington Place, LLC / Rodney Johnson. To subdivide and create Lot A of Lot 1 of Martha Washington Place Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 (also in Section 2), Martha Washington Place Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A of Lot 1, Martha Washington Place Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to subdivide and create Lot A of Lot 1 of Martha Washington Place Subdivision.

Theunissen further stated the process for this plat submittal meet the requirements under a Minor Plat, and noted that staff will move the item forward as a Minor Plat.

Staff recommended approval of Minor Plat / MPL 22-13 with the following five (5) conditions:

1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with §1702 of the Pennington County Subdivision Regulations;

2. That prior to Final Plat submittal, the plat meets the requirements of §602 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
5. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

Moved by Lewis and seconded by Johnson to approve of Minor Plat / MPL 22-13 with the following five (5) conditions:

- 1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with §1702 of the Pennington County Subdivision Regulations;**
- 2. That prior to Final Plat submittal, the plat meets the requirements of §602 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;**
- 3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
- 4. That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
- 5. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

All voting aye, the Motion carried 7 to 0.

13. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-08: Black Hills Tiny Resort, LLC / Joleen Zoller. To allow a Recreational Resort to include a Recreational Vehicle Park, Vacation Home Rentals, and a caretaker/manager's residence on the subject property in accordance with Sections 205, 212, 306, 319, and 216 of the Pennington County Zoning Ordinance.

Lot 1, BHTR Subdivision, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied to allow a Recreational Resort to include a Recreational Vehicle Park, Vacation Home Rentals, and a caretaker/manager's residence.

Staff recommended approval of Planned Unit Development Overlay / PU 22-08 with the following twenty-three (23) conditions:

1. That the approved uses are limited to 48 full-service tiny home sites and 15 full-service RV sites; 2 short-term rentals; 5 employee cabins or tiny homes; 10 canvas rental tents; a dog park; playground; storage building(s); and a caretaker/manager residence to include an office;
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 daily operations be conducted by the owners, on-site manager, and staff as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
6. That all the assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That each of the tiny home rentals be clearly marked with a unique number and that the assigned address of the property be posted in each tiny home;
8. That each RV parking spot be marked with a unique unit number clearly visible from the driveway;
9. 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 and that a copy of said plan be kept on file at the Planning Department;
10. That a minimum of 87 parking spaces be provided on-site (one for each tiny home, tent and RV site; two for each short-term rental; one for each employee tiny home site; and four for the caretaker/manager residence) each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
11. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in § 310 of the Pennington County Zoning Ordinance;

12. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16;
14. That prior to operation, any rental or RV site within the Planned Unit Development have 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 and that these permits be provided to the Planning Department;
15. That a smoke detector be placed in each sleeping room/area;
16. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of any rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any rental comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the City of Rapid City and South Dakota Department of Agriculture and Natural Resources and must comply with Rapid City municipal code and South Dakota Administrative Rules 74:53:01;
20. That the Recreation Vehicle Park must comply with PCZO §306;
21. That setbacks for all structures shall be in accordance with PCZO § 212;
22. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
23. That this Planned Unit Development 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 McGregor and seconded by Coleman to approve of Planned Unit Development Overlay / PU 22-08 with the following twenty-three (23) conditions:

1. That the approved uses are limited to 48 full-service tiny home sites and 15 full-service RV sites; 2 short-term rentals; 5 employee cabins or tiny homes; 10 canvas rental tents; a dog park; playground; storage building(s); and a caretaker/manager residence to include an office;
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 daily operations be conducted by the owners, on-site manager, and staff as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
6. That all the assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That each of the tiny home rentals be clearly marked with a unique number and that the assigned address of the property be posted in each tiny home;
8. That each RV parking spot be marked with a unique unit number clearly visible from the driveway;
9. 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 and that a copy of said plan be kept on file at the Planning Department;
10. That a minimum of 87 parking spaces be provided on-site (one for each tiny home, tent and RV site; two for each short-term rental; one for each employee tiny home site; and four for the caretaker/manager residence) each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance;
11. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in § 310 of the Pennington County Zoning Ordinance;
12. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16;

14. That prior to operation, any rental or RV site within the Planned Unit Development have 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 and that these permits be provided to the Planning Department;
15. That a smoke detector be placed in each sleeping room/area;
16. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of any rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any rental comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the City of Rapid City and South Dakota Department of Agriculture and Natural Resources and must comply with Rapid City municipal code and South Dakota Administrative Rules 74:53:01;
20. That the Recreation Vehicle Park must comply with PCZO §306;
21. That setbacks for all structures shall be in accordance with PCZO § 212;
22. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
23. That this Planned Unit Development 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 7 to 0.

14. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-07: David Woodhead. To amend the Sunset Ranch Planned Unit Development to allow a dirt bike track on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 17, Block 2, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to allow a dirt bike track on the subject property.

Staff recommended denial of Minor Planned Unit Development Amendment / PU 22-07.

Discussion followed.

Moved by Johnson and seconded by Coleman to continue Minor Planned Unit Development / PU 22-07 to the May 23, 2022, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

The Planning Commission took a 10 minute recess.

15. ORDINANCE AMENDMENT / OA 22-04: Pennington County. To amend Section 304 “Mobile Homes” [to amend and supersede the existing Section 304 “Mobile Homes”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 304 – Mobile Homes.

Staff recommended approval of Ordinance Amendment / OA 22-04.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve Ordinance Amendment / OA 22-04.

All voting aye, the Motion carried 7 to 0.

16. ORDINANCE AMENDMENT / OA 22-05: Pennington County. To amend Section 316 “Telecommunications Facility” [to amend and supersede the existing Section 316 “Telecommunications Facility”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 316 – Telecommunications Facility.

Staff recommended approval of Ordinance Amendment / OA 22-05.

Discussion followed.

Moved by Kuehn and seconded by Lewis to approve of Ordinance Amendment / OA 22-05.

All voting aye, the Motion carried 7 to 0.

17. ORDINANCE AMENDMENT / OA 22-06: Pennington County. To amend Section 511 “Fees” [to amend and supersede the existing Section 511 “Fees”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 511 – Fees.

Staff recommended approval of Ordinance Amendment / OA 22-06.

Discussion followed.

Moved by Colemand and seconded by Lewis to approve of Ordinance Amendment / OA 22-06.

All voting aye, the Motion carried 7 to 0.

18. ORDINANCE AMENDMENT / OA 22-07: Pennington County. To amend the Subdivision Regulations [to amend and supersede the existing Subdivision Regulations] of the Pennington County Subdivision Regulations.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend the Subdivision Regulations.

Staff recommended approval of Ordinance Amendment / OA 22-07.

Discussion followed.

Moved by Coleman and seconded McGregor to approve of Ordinance Amendment / OA 22-07.

All voting aye, the Motion carried 7 to 0.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the April 25th meeting with the exception of:

1. Comprehensive Plan Amendment 22-07 and Rezone 22-07: Jack and Marie Ziemer. The two items were approved by the Board.
2. Planned Unit Development Overlay 22-06: Katie Smirnova and Brett Walfish. This item was continued to the May 17th Board Meeting.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

21. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the April 2022 Building Permit Report.

- B. Vacation Home Rental Committee. Molitor stated that seven people have been appointed to the committee; and, Commissioner Johnson will be the chair.

22. ITEMS FROM THE MEMBERSHIP

Commissioner McGregor discussed recommended motions on items from the Planning Commission to the Board of Commissioners.

Moved by Drewes and seconded by McGregor to go into Executive Session. All voting aye, the Motion carried 7 to 0.

Moved by Drewes and seconded by McGregor to reconvene from Executive Session. All voting aye, the Motion carried 7 to 0.

Commissioner Johnson spoke of the Planning Commission reviewing documents.

23. ADJOURNMENT

Moved by McGregor and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 12:40 p.m.

Rich Marsh, Chairperson