

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 22, 2023 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Kevin Kuehn, Kevin Burton, Mikal Lewis, and Travis Lasseter.

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

ROLL CALL

1. APPROVAL OF THE MAY 8, 2023, MINUTES

Moved by Burton and seconded by McGregor to approve the Minutes of the May 8, 2023, Planning Commission meeting, with a correction on page 28, in the third paragraph, to note the date of the May 22, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA

Moved by Burton and seconded by McGregor to approve the Agenda of the May 22, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Burton and seconded by Lewis to approve the Consent Agenda of the May 22, 2023, Planning Commission meeting, with the removal of Items 4 and 16. 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 96-14:** Mark Hirsch. To review a manufactured home as a caretaker's residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3 of Tract 2 in NW¼, Section 31, T1N, R7E, BHM, Pennington County, South Dakota

To approve the extension of Conditional Use Permit / CU 96-14 with the following eight (8) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site, plans to be reviewed and approved by the Planning Director;
2. That the manufactured home continues to have wood, hardboard or simulated wood siding;
3. That the manufactured home continues to have a wood or asphalt shingled roof;
4. That the addresses for both the proposed single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
5. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner;
6. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or a setback Variance be obtained;
7. That once care is no longer needed, the caretaker'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 three (3) 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.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-06**: Milbert and Lila Rohrbach. To review an existing single-wide mobile home as the owner's residence, an existing single-wide mobile home to remain as storage, and an existing double-wide mobile home to remain as a rental unit on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot W 165 feet of W½ of Lot 3 less N10 feet; Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-06 with the following eight (8) conditions:

1. That the replacement single-wide mobile home (2156 Plateau Lane #C) and existing double-wide mobile home (2156 Plateau Lane #B) individual addresses remain posted in accordance with Pennington County Ordinance #20.

2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
3. That the subject property remains free of debris and junk vehicles;
4. That the replacement single-wide mobile home (2156 Plateau Lane #C) installed on the property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. 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;
6. That once the existing double-wide mobile home (2156 Plateau Lane #B) is either uninhabitable or no longer occupied, it be removed from the subject property;
7. That once the Rohrbachs no longer own the subject property, the single-wide mobile home (2156 Plateau Lane #A) be removed, as well as the existing double-wide mobile home (2156 Plateau Lane #B) be removed from the subject property; and,
8. That this Conditional Use Permit be reviewed in 5 years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-02:** Greg and Angelina Anderson. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-02 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed 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 SD DENR;

3. 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;
4. That each review of Conditional Use Permit / CU 19-02, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Lodging 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 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;
7. That a minimum of three (3) 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;
8. That an interior informational sign continues to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
9. That the lot address continues to be posted on the residence at all times and so it is clearly visible from Croyle Court, 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 Jonna Kandolin, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);

14. That an approved Building Permit be obtained for any 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 two (2) 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.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-19:** Dale and Sarah Gadbois. To review a secondary structure prior to a primary residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 19-19 with the applicant's concurrence.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-20:** Cody Rust Butler. To review a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract A of Lot 2 of SW¹/₄NW¹/₄, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-20 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department Agriculture and Natural Resources (SD DANR) approval, 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 (13);
2. That the website listing(s) for the Vacation Home Rental is kept updated to correctly state that six (6) overnight occupants that are allowed;
3. 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;
4. 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 CUP documents at the Pennington County Planning Department;

5. 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;
6. That each review of Conditional Use Permit / CU 19-20, be subject to PCZO § 511(F)(4), which includes a \$100 fee per review;
7. 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;
8. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
9. That a minimum of two 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;
10. 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);
11. That the lot address be continually posted on the residence at all times and so it is clearly visible, in accordance with Pennington County's Ordinance #20;
12. 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;
13. That if the person designated as the Local Contact is ever changed from Meghan Muller, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. 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;

17. That this Conditional Use Permit be reviewed in two (2) 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.

9. **CONDITIONAL USE PERMIT REVIEW / CU 20-25:** Jessica Hessler / 7 Wonders, LLC. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1A of Lot C of NW¹/₄SE¹/₄, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-25 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DANR approval, be limited to two (2) people and the maximum daytime occupancy be limited to four (4) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That 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;
5. That each review of Conditional Use Permit / CU 20-25, be subject to PCZO Section 511(P), which includes a \$100 fee per review;
6. 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;
7. 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;
8. That a minimum of one (1) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

9. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
10. That the lot address (22869 Norris Peak Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Norris Peak Road, in accordance with Pennington County Ordinance #20;
11. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Executive Lodging of the Black Hills by Vacasa, 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;
13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. 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;
16. That the rental rules and regulations state that there are no trailers allowed in the parking area and the individual(s) must park according to the parking site plan; and,
17. That this Conditional Use Permit be reviewed in two (2) 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.

10. **CONDITIONAL USE PERMIT REVIEW / CU 21-04:** Cole or Renae Foster. To review a Bed and Breakfast being utilized above the garage on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance

E200 ft of N947 ft of E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S373 ft of SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-04 with the following eighteen (18) conditions:

- 1. That the maximum overnight occupancy for the Bed and Breakfast be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per an approval letter from South Dakota Department of Agriculture and Natural Resources (DANR);**
- 2. That the applicants provide a combination of continental breakfast items (such as donuts, bagels and cream cheese, yogurt, muffins, fruit, juice, coffee, etc.) for guests at the Bed and Breakfast;**
- 3. That the applicants advertise that a continental breakfast will be provided at the Bed and Breakfast;**
- 4. That all applicable Federal, State, and local regulations be adhered to at all times;**
- 5. That the applicants continually maintain all necessary permits from other governing bodies, including, but not limited to, current license with the South Dakota Department of Revenue (Sale Tax License) and the current registration from the South Dakota Department of Health (Bed and Breakfast) and that copies of these licenses be provided to the Planning Department upon request;**
- 6. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;**
- 7. That a smoke detector be installed in each sleeping room with the minimum of at least one (1) smoke detector per floor;**
- 8. That the applicants comply with SDCL 34-18-9.1 – 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;**
- 9. That the applicants continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be posted inside the Bed and Breakfast and be made available to the Planning Department upon request;**
- 10. That quiet hours for the Bed and Breakfast be between 10:00 p.m. and 8:00 a.m.;**
- 11. That the minimum of three (3) off-street parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;**
- 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 an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Agriculture and Natural Resources (DANR);
14. That the minimum required setbacks of an Agriculture District be continually maintained on the subject property or approved Setback Variance(s) be obtained;
15. That the addresses for each residence be continually posted on the Bed and Breakfast and the residence at all times, in accordance with Pennington County's Ordinance #20;
16. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
17. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,
18. That this Conditional Use Permit be reviewed in two (2) 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.

11. **CONDITIONAL USE PERMIT REVIEW / CU 21-25:** Jessica Hessler, 7 Wonders, LLC. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 1 and 2 of Lot 7 and 8 (Replatted) of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-25 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That if an addition is constructed 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 SD DANR;

3. 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;
4. 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;
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 each review of Conditional Use Permit / CU 21-25 be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;
7. 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;
8. That the applicant maintains an Evacuation (Emergency) Plan and provides 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;
9. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (23221 Black Forest Place) be posted on the residence at all times and at the driveway at the intersection of Black Forest Place and the driveway with the directional sign, and so that it is clearly visible from Black Forest Place, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Executive Lodging of the Black Hills by Vacasa, 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;

14. 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;
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 two (2) 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 21-56:** Alex and Holly Niemann, ANH Enterprises, Inc. To review the rental of 36 UTVs (6 back-ups) and 6 slingshots to include a washing area, parking area, and 36-40 employees in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot G, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-56 with the following twenty-three (23) conditions:

1. That the permitted use continues to be limited to the rental of 48 vehicles, to include 36 primary UTVs, 6 reserve UTVs, and 6 Slingshot roadsters;
2. That all assigned addresses continue to be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
3. That access to the site continue to be only from the approved South Dakota Department of Transportation (SDDOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;
4. That at least 88 off-street parking spaces continue to be designated, to include 48 off-street parking spaces for UTVs and Slingshots, 20 off-street parking spaces for customers and 20 additional parking spaces for employees, per Pennington County Zoning Ordinance (PCZO) § 310;
6. That all UTVs and Slingshots continue to be parked on paved or gravel surfaces;
7. That any On-site Wastewater Treatment System comply with PCZO § 331 and SD Department of Agriculture and Natural Resources requirements (SD DANR);

8. That the days of operation for the rentals continue to be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 7 a.m. and 7 p.m. only;
9. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
10. That the UTVs continue to be thoroughly cleaned after use, to prevent the spread of invasive weeds;
11. That a designated equipment wash area continue to be utilized to ensure no runoff is allowed to exit the subject property or enter into any waters of the state;
12. That any solid waste accumulated from washing operations continue to be disposed of properly;
13. That any used chemicals accumulated from vehicle maintenance continue to be disposed of properly;
14. That a portable fire extinguisher with a minimum 2A:10B:C rating continue to be placed in each structure supporting the UTV rental or maintenance so it is accessible at all times;
15. That fueling operations for the UTVs and Slingshots continue to occur off-site;
16. That vehicle maintenance be performed within a designated structure and that no junk or parts be allowed to accumulate on the subject property, so as to create a nuisance;
17. That all lighting continues to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
18. That all U.S. Forest Service comments continue to be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
19. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a sales tax license from the South Dakota Department of Revenue;
20. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;

21. 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;
22. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
23. 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.

Vote: unanimous 6 to 0.

13. **CONDITIONAL USE PERMIT REVIEW / CU 22-11**: Justin Kistler. To review living in the existing double-wide mobile home while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract 2A Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 22-11 with the applicant's concurrence.

Vote: unanimous 6 to 0.

14. **CONDITIONAL USE PERMIT REVIEW / CU 22-09**: David and Mary Grover. To review living in a pole barn/shop building while building a single-family residence on the subject property in a Ranchette District in accordance with the Pennington County Zoning Ordinance.

Lot B, Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-09 with the following seven (7) conditions:

1. That an approved **Building Permit** be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address 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);

4. That the minimum setback requirements of a Ranchette 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 the subject property remains free of debris and junk vehicles; and,
7. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

15. **PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 22-04:** John and Tracy Wiebe. To review a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence in accordance with the Pennington County Zoning Ordinance.

Lot 2 of Tract A in NE½ and Tract 0061, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development Overlay / PU 22-04 with the following twenty-six (26) conditions:

1. That the approved uses of the Specialty Resort include: a caretaker residence, 3 tents for luxury camping, 1 luxury tree house, and a communal bathroom/shower house;
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 and event operations be conducted by owners, on-site manager, and local contact 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 assigned addresses be properly and continually posted on the caretaker residence in accordance with Pennington County's Ordinance #20;
7. That prior to operation, each tent and tree house spot be marked with a unique spot number clearly visible from the driveway;

8. That prior to operation, the applicant obtains County Emergency Services approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
9. That prior to operation, the applicant obtains County Highway approval for the existing approach as well as approval for a second approach to be utilized as an escape route;
10. That each of the tents and the treehouse be clearly marked with a unique number and that the assigned address of the property (24174 S Rockerville Road) be posted in each guest room utilized as an overnight rental;
11. 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;
12. That prior to operation, the applicant provides a minimum of 6 on-site parking spaces for the requested uses, 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 (PCZO) § 310;
13. That quiet hours of the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That uses within the Specialty Resort 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 a smoke detector be placed in each room utilized for overnight guests, with a minimum of at least 1 smoke detector per floor;
17. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
18. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;
19. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level each tent or tree house so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
20. That the maximum number of people staying at the Specialty Resort adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;

21. That the applicants comply with South Dakota Codified Law 34-18;
22. That prior to operation, all on-site wastewater treatment systems (OSWTS) require proper permitting and review by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
23. That setbacks for all structures shall comply with those required in an Agriculture District;
24. That the caretaker residence not be utilized as a Bed and Breakfast or Vacation Home Rental;
25. 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,
26. That this Planned Unit Development Overlay be reviewed in 2 years, 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.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

Moved by Lewis and seconded by Lasseter to wave rules to discuss similar Agenda Items 4, 9, and 11 at the same time. All voting aye, the Motion carried 6 to 0.

4. CONDITIONAL USE PERMIT REVIEW / CU 17-44: Gregory Yates. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 17-44 with sixteen (16) conditions.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve the extension of Conditional Use Permit / CU 17-44 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on SD DANR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319(F)(13);**
- 2. That if an addition is constructed 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 SD DANR;**
- 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. 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 each year the Vacation Home Rental is in operation;**
- 5. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 6. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310(A)(9)(g), 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;**
- 7. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319(G), with 9-1-1 and (605)394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;**
- 8. That the lot address (23826 Highway 385) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 385, in accordance with Pennington County's Ordinance #20;**
- 9. That the applicant ensure the Vacation Home Rental continues to be operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;**
- 10. That if the person designated as the Local Contact is ever changed from Executive Lodging of the Black Hills by Vacasa, 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 as stated by requirement §319(F)(5);**

11. 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;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
14. 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 restrictions, as pertaining to the use of the fire pit;
15. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319(C)(b); and,
16. That this Conditional Use Permit be reviewed in two (2) 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.

All voting aye, the Motion carried 6 to 0.

16. MINING PERMIT REVIEW / MP 14-02: Pennington County Highway Department. To review the excavation and extraction of gravel in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Lying South of the Railroad Right-of-Way, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Lying South of the Railroad Right-of-Way, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ Excepting Railroad and Highway Right-of-Way; Government Lot 1, 5, 6 and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Lying North of the Railroad Right-of-Way, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Excepting Railroad and Highway Right-of-Way, Section 6, T1N, R12E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Mining Permit / MP 14-02 with twelve (12) conditions.

Discussion followed.

Moved by Lewis and seconded by Burton to approve the extension of Mining Permit / MP 14-02 with the following twelve (12) conditions:

- 1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the Mining Activity;**
- 3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-45) be continually met;**
- 4. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Director when it is renewed;**
- 5. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;**
- 6. That erosion control measures be implemented around the stockpiles to prevent sediment from leaving the site and, in addition, any disturbed areas must have acceptable erosion control measures to prevent surface erosion and sediment leaving the site or entering drainage ways;**
- 7. That prior to any dirt work commencing within the 100-year floodplain, a Floodplain Development Permit be obtained;**
- 8. That site inspections be done at least weekly during the period of construction or monthly, if no construction activity is occurring on the site (temporary stabilization is required if activity on the site is dormant for more than 21 days), and within 24 hours following a storm event of at least 0.5” or a snowmelt event that causes surface erosion and weekly site inspection records shall be submitted to the Planning Director on a monthly basis during the period of construction;**
- 9. That an address be posted in large numbers at the entrance to the pit in accordance with Ordinance #20;**
- 10. That self-contained toilets be provided on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations;**
- 11. That the site shall be revegetated as required in Section 507-A(5)(c); and,**
- 12. That this Mining Permit be reviewed in one (1) year or upon a complaint basis or at the Planning Commission or Board of Commissioners request.**

All voting aye, the Motion carried 6 to 0.

17. CONDITIONAL USE PERMIT / CU 23-11: SADL Properties, LLC; Stacey Kutil. To allow a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2 (of Lot D), Gussler Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the April 24, 2023, Planning Commission meeting.)

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 23-11 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR), be limited to eight people and the maximum daytime occupancy be limited to sixteen people, per Pennington County Zoning Ordinance (PCZO) § 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 SD DANR;
3. That the guest(s) receive permission from the local contact to utilize the fire pit if applicable, and all fire restrictions be followed at all times.
4. That the applicant provide the phone number and/or internet site address providing the current day's fire conditions and restrictions.
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 (13044 Sonquist Lane) be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Sonquist Lane, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Laura Huber, 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 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.

Commissioner McGregor left the meeting at 9:55 a.m.

Commissioner McGregor returned to the meeting at 9:56 a.m.

Commissioner Lasseter left the meeting at 10:13 a.m.

Commissioner Lasseter returned to the meeting at 10:18 a.m.

Commissioner Burton left the meeting at 10:38 a.m.

Commissioner Burton returned to the meeting at 10:40 a.m.

Moved by Lasseter and seconded by Kuehn to approve of Conditional Use Permit / CU 23-11 with fifteen (15) conditions.

Substitute Motion: Moved by Burton to approve of Conditional Use Permit / CU 23-11 with a review in six months. Motion dies for lack of a second.

Moved by Lasseter and seconded by McGregor to call the Question.

Vote on Original Motion: Motion to approve failed 4 to 2. Roll call vote: Commissioners Lewis, Burton, McGregor, and Johnson voted no. Commissioners Kuehn and Lasseter voted yes.

The Planning Commission took a recess.

18. CONDITIONAL USE PERMIT / CU 23-15: James and Linda Rensch. To allow a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot C, Pineville Acres, Section 20, T1S, R7E, BHM, Pennington County, South Dakota.

Phillip reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 23-15 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on The South Dakota Department of Agriculture & Natural Resources (DANR) approval, be limited to two (2) people and the maximum daytime occupancy be limited to four (4) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(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 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 (CUP) documents at the Pennington County Planning Department;
4. 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;
5. That each review of Conditional Use Permit / CU 23-15, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
6. 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;
7. 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;
8. That a minimum of one (1) 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;
9. 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);

10. That the lot address be continually posted on the residence at all times and so it is clearly visible from Neck Yoke Road in accordance with Pennington County's Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from the owners, James and Linda Rensch, 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;
13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
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 two (2) 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.

Discussion followed.

Moved by Burton and seconded by McGregor to approve of Conditional Use Permit / CU 23-15 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on The South Dakota Department of Agriculture & Natural Resources (DANR) approval, be limited to two (2) people and the maximum daytime occupancy be limited to four (4) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(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 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 (CUP) documents at the Pennington County Planning Department;**

4. 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;
5. That each review of Conditional Use Permit / CU 23-15, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
6. 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;
7. 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;
8. That a minimum of one (1) 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;
9. 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);
10. That the lot address be continually posted on the residence at all times and so it is clearly visible from Neck Yoke Road in accordance with Pennington County's Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from the owners, James and Linda Rensch, 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;
13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);

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 two (2) 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.**

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 23-16: Lynne Messersmith. To allow a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1B, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental

Staff recommended approval of Conditional Use Permit / CU 23-16 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six people and the maximum daytime occupancy be limited to twelve people, per Pennington County Zoning Ordinance (PCZO) § 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;
4. 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 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), the Department of Revenue (Sales Tax License), and South Dakota Department of Wildland Fire (Campfire Permit) 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 (12995 Old Hill City Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Highway 385, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. 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 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;
15. That the basement be for recreational activities or storage only; 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 Kuehn and seconded by Lasseter to approve of Conditional Use Permit / CU 23-16 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six people and the maximum daytime occupancy be limited to twelve people, per Pennington County Zoning Ordinance (PCZO) § 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;
4. 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 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), the Department of Revenue (Sales Tax License), and South Dakota Department of Wildland Fire (Campfire Permit) 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 (12995 Old Hill City Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Highway 385, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. 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 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;**
15. **That the basement be for recreational activities or storage only; 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 6 to 0.

20. CONDITIONAL USE PERMIT / CU 23-17: David Allard. To allow a Bed and Breakfast on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 17 of Block 5 of Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Bed and Breakfast.

Staff recommended approval of Conditional Use Permit / CU 23-17 with the following eighteen (18) conditions:

1. That the maximum occupancy of the Bed and Breakfast be limited to 2 people based on the structure having 1 bedroom;
2. 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, which will require approval from SD DANR;
3. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants wants to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

5. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. 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 and that a copy of said plan be kept on file at the Planning Department;
8. That a minimum of 2 off-street parking space be provided on-site, per PCZO § 310;
9. That if the applicant chooses to post an exterior sign, the sign shall meet the requirements of PCZO §§323(B)(3)(b) and 312;
10. That an interior sign shall be posted in the Bed and Breakfast for all guests, in accordance with the requirements of PCZO § 323(B)(3)(d);
11. That prior to operation, an address be assigned to the Bed and Breakfast;
12. That the addresses for the single-family residence and the Bed and Breakfast be posted on both structures at all times and at the driveway where it intersects W. Highway 44, in accordance with Pennington County's Ordinance #20;
13. That the Bed and Breakfast continues to be classified as owner occupied with the Pennington County Department of Equalization;
14. That the applicant ensures the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
15. That the houseboat and RV located on the subject property be only stored and not rented or occupied;
16. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;
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;

Theunissen further stated that staff would like to include add al condition to the Conditions of Approval: “That prior to submittal of a Building Permit, an approved Operating Permit is obtained.”

Discussion followed.

Moved by Lasseter and seconded by Burton to continue Conditional Use Permit / CU 23-17 to the June 12, 2023, Planning Commission meeting to address concerns of the Planning Commission.

All voting aye, the Motion carried 6 to 0.

21. MINOR PLAT / MPL 23-09: Glenn and Michelle Bintliff. To subdivide and create Lots 1 and 2 of Bintliff Subdivision in accordance with the Pennington County Subdivision Regulations Variance.

EXISTING LEGAL DESCRIPTION: Lot S and Lot C of the E1/2SW1/4NE1/4; Parcel 4 of SW1/4NE1/4 Less Lot 3R of Lot A of Feldman Sub., Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL DESCRIPTION: Lots 1 and 2 of Bintliff Subdivision, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lots 1 and 2 of Bintliff Subdivision.

Staff recommended approval of Minor Plat / MPL 23-09 with the following four (4) conditions:

1. That prior to filing the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
3. That prior to filing the mylar with the Register of Deeds, approved Approach Permits be obtained for the two existing approaches off of Old Hill City Road; and,
4. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve of Minor Plat / MPL 23-09 with the following four (4) conditions:

- 1. That prior to filing the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;**
- 2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;**
- 3. That prior to filing the mylar with the Register of Deeds, approved Approach Permits be obtained for the two existing approaches off of Old Hill City Road; and,**
- 4. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met.**

All voting aye, the Motion carried 6 to 0.

22. LOT LINE ADJUSTMENT PLAT / LAPL 23-11: Paul Von Fischer. To combine two lots to create Lot 3R of Tract 11 of National Placer MS 688 in accordance with the Pennington County Subdivision Regulations Variance.

EXISTING LEGAL DESCRIPTION: Lot 2 of Tract 11 and Lot 3 of Tract 11 of National Placer MS 688, Section 34, T2N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL DESCRIPTION: Lot 3R of Tract 11 of National Placer MS 688, Section 34, T2N, R4E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Lot Line Adjustment Plat to combine two lots to create Lot 3R of Tract 11 of National Placer MS 688.

Staff recommended approval of Lot Line Adjustment Plat / LAPL 23-11 with the following eight (8) conditions:

1. That prior to filing the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
3. That prior to filing the mylar with the Register of Deeds, the subdivision name includes either “Subdivision” or “Addition”;

4. That prior to filing the mylar with the Register of Deeds, the plat heading be amended to read “Formerly Lot 2 and Lot 3 of Tract 11 of National Placer MS 688...”;
5. That prior to filing the mylar with the Register of Deeds, the Planning Commission Approval certificate will need to be amended to read Lot Line Adjustment Plat;
6. That prior to filing the mylar with the Register of Deeds, the Owner certificate to “vacate” be removed from the plat;
7. That prior to filing the mylar with the Register of Deeds, the Street Authority certificate be moved to allow the last certificate on the plat to be the Register of Deeds certificate; and,
8. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met.

Discussion followed.

Moved by McGregor and seconded by Lasseter to approve of Lot Line Adjustment Plat / LAPL 23-11 with the following eight (8) conditions:

- 1. That prior to filing the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;**
- 2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;**
- 3. That prior to filing the mylar with the Register of Deeds, the subdivision name includes either “Subdivision” or “Addition”;**
- 4. That prior to filing the mylar with the Register of Deeds, the plat heading be amended to read “Formerly Lot 2 and Lot 3 of Tract 11 of National Placer MS 688...”;**
- 5. That prior to filing the mylar with the Register of Deeds, the Planning Commission Approval certificate will need to be amended to read Lot Line Adjustment Plat;**
- 6. That prior to filing the mylar with the Register of Deeds, the Owner certificate to “vacate” be removed from the plat;**
- 7. That prior to filing the mylar with the Register of Deeds, the Street Authority certificate be moved to allow the last certificate on the plat to be the Register of Deeds certificate; and,**

- 8. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met.**

Commissioner Lasster left the meeting at 12:17 p.m.

All voting aye, the Motion carried 5 to 0.

23. REZONE / RZ 23-06: Free Range Rentals, LLC; Davis Engineering - Agent. To rezone 7.2 acres from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440 and That PT of the W½NE¼ lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the April 24, 2023, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 7.2 acres from Agriculture District to Rural Residential District.

Commissioner Lasseter returned to the meeting at 12:18 p.m.

Staff recommended approval of Rezone / RZ 23-06.

Discussion followed.

Moved by Burton and seconded by Lewis to approve of Rezone / RZ 23-06.

All voting aye, the Motion carried 6 to 0.

Moved by Burton and seconded by Lewis to wave rules to discuss directly related and similar Agenda Items 24 and 25 at the same time. Burton and Lewis withdrew the Motion to discuss Agenda Items 24 and 25 at the same time.

24. COMPREHENSIVE PLAN AMENDMENT / CA 23-05: Pink Cabin, LLC; KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Urban Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Northeast corner of Lot 1, Block 2, of Colvins Subdivision, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; THENCE (1) with the easterly boundary of said Colvins Subdivision, South 2°04'19" West, 17.00 feet to the point of beginning; THENCE (2) leaving said easterly boundary, South 88°17'25" East, 63.58 feet to a point on the westerly boundary of Murphy Ranch Estates Subdivision, being the northwest corner of Lot 10, Block 1; THENCE (3) with said westerly boundary, South 1°54'30" West, 90.63 feet to the beginning of a curve; THENCE (4) continuing with said westerly boundary, on a curve turning to the left with

an arc length of 67.75 feet, with a radius of 67.00 feet, with a chord bearing of South 27°03'26" East, with a chord length of 64.88 feet; THENCE (5) continuing with said westerly boundary, South 56°00'19" East, 109.04 feet to the beginning of a non-tangent curve; THENCE (6) continuing with said westerly boundary, on a curve turning to the left with an arc length of 108.82 feet, with a radius of 52.00 feet, with a chord bearing of North 87°25'04" East, with a chord length of 90.02 feet to the beginning of a curve; THENCE (7) continuing with said westerly boundary, on a curve turning to the right with an arc length of 15.87 feet, with a radius of 40.50 feet, with a chord bearing of North 38°41'39" East, with a chord length of 15.77 feet to the northwest corner of Lot 1, Block 12; THENCE (8) continuing with said westerly boundary, South 2°04'39" West, 99.54 feet; THENCE (9) continuing with said westerly boundary, South 2°06'42" West, 76.62 feet; THENCE (10) continuing with said westerly boundary, South 2°03'07" West, 76.10 feet; THENCE (11) continuing with said westerly boundary, South 2°03'41" West, 75.87 feet; THENCE (12) continuing with said westerly boundary, South 2°01'40" West, 75.97 feet; THENCE (13) continuing with said westerly boundary, South 2°05'17" West, 75.86 feet; THENCE (14) continuing with said westerly boundary, South 1°57'23" West, 76.10 feet to the northwest corner of Lot 8, Block 12; THENCE (15) continuing with said westerly boundary, South 1°57'23" East, 15.45 feet to the beginning of a non-tangent curve; THENCE (16) continuing with said westerly boundary, on a curve turning to the left with an arc length of 86.07 feet, with a radius of 236.00 feet, with a chord bearing of South 8°08'06" East, with a chord length of 85.59 feet to the beginning of a curve; THENCE (17) continuing with said westerly boundary, on a curve turning to the left with an arc length of 18.88 feet, with a radius of 236.00 feet, with a chord bearing of South 20°52'25" East, with a chord length of 18.87 feet; THENCE (18) continuing with said westerly boundary, South 23°50'25" East, 57.98 feet; THENCE (19) continuing with said westerly boundary, South 23°27'08" East, 70.00 feet to the southwest corner of Lot 10, Block 12; THENCE (20) continuing with said westerly boundary, North 66°14'23" East, 9.95 feet to the beginning of a non-tangent curve; THENCE (21) continuing with said westerly boundary, on a curve turning to the right with an arc length of 88.59 feet, with a radius of 886.47 feet, with a chord bearing of South 18°16'37" East, with a chord length of 88.55 feet to the beginning of a curve and being on the northerly right-of-way of Springfield Road; THENCE (22) continuing with said westerly boundary, on a curve turning to the right with an arc length of 52.20 feet, with a radius of 886.47 feet, with a chord bearing of South 13°43'31" East, with a chord length of 52.19 feet to the southerly right-of-way of Springfield Road; THENCE (23) leaving said westerly boundary, South 81°11'31" West, 13.97 feet to the beginning of a curve; THENCE (24) on a curve turning to the left with an arc length of 98.18 feet, with a radius of 174.00 feet, with a chord bearing of South 65°01'40" West, with a chord length of 96.88 feet; THENCE (25) North 41°08'11" West, 26.00 feet; THENCE (26) North 41°08'11" West, 26.00 feet; THENCE (27) North 41°08'11" West, 84.05 feet; THENCE (28) North 88°02'41" West, 222.96 feet to a point on the easterly line of Colvins Subdivision; THENCE (29) continuing with said easterly boundary, North 1°47'44" East, 138.09 feet; THENCE (30) continuing with said easterly boundary, North 1°53'35" East, 234.91 feet; THENCE (31) continuing with said easterly boundary, North 1°58'44" East, 114.92 feet; THENCE (32) continuing with said easterly boundary, North 1°54'11" East, 115.99 feet; THENCE (33) continuing with said easterly boundary, North 1°49'45" East, 115.95 feet; THENCE (34) continuing with said easterly boundary, North 1°42'12" East, 116.43 feet; THENCE (35) continuing with said easterly boundary, North 2°04'19" East, 213.64 feet to the point of beginning; Said parcel contains 6.52 acres more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Suburban Residential District to Urban Residential District.

Staff recommended approval of Comprehensive Plan Amendment / CA 23-05.

Discussion followed.

Commissioner Burton left the meeting at 12:59 p.m. and did not return.

Commissioner Lasseter left the meeting at 1:06 p.m.

Commissioner Lasseter returned to the meeting at 1:08 p.m.

Moved by Lasseter and seconded by Kuehn to continue Comprehensive Plan Amendment / CA 23-05 to the June 12, 2023, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

25. REZONE / RZ 23-08: Pink Cabin, LLC; KTM Design Solutions - Agent. To rezone 0.13 acre from Urban Residential District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: Commencing at the Southeast corner of Lot 2, Block 3, of Colvins Subdivision, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being monumented with a ½ inch rebar; THENCE (1) contiguous with the easterly boundary of said Colvins Subdivision, North 1°47'44" East, 68.92 feet to the point of beginning; THENCE (2) continuing with said easterly boundary of Colvins Subdivision, North 1°47'44" East, 23.13 feet; THENCE (3) leaving said easterly boundary, South 88°02'41" East, 222.96 feet; THENCE (4) South 41°08'11" East, 84.05 feet; THENCE (5) North 48°43'36" West, 60.36 feet; THENCE (6) North 88°02'33" West, 233.61 feet to the point of beginning; Said parcel contains 0.13 acres (5616 sq. ft.) more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 0.13 acre from Urban Residential District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 23-08.

Discussion followed.

Moved by Lasseter and seconded by Kuehn to continue Rezone / RZ 23-08 to the June 12, 2023, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

26. ORDINANCE AMENDMENT / OA 23-01: 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 May 8, 2023, Planning Commission meeting.)

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

The Planning Commission recessed for 10 minutes.

Moved by McGregor and seconded by Lewis to continue Ordinance Amendment / OA 23-01 to the June 12, 2023, Planning Commission meeting.

Substitute Motion: Moved by Lasseter to have the Planning Commission send the proposed Ordinance Amendment / OA 23-01 and the proposed document submitted by the SD Short-Term Rental Association back to the VHR Committee for review and comments.

Discussion continued.

Second Substitute Motion: Moved by Lasseter and seconded by Kuehn to continue Ordinance Amendment / OA 23-01 to the June 26, 2023, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

Moved by Lasseter and seconded by Lewis to have the Planning Commission send a recommendation to the Board of Commissioners to send the proposed Ordinance Amendment / OA 23-01 and the proposed document presented by the SD Short-Term Rental Association back to the VHR Committee for review and comments.

All voting aye, the Motion carried 5 to 0.

27. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 8, 2023, Planning Commission meeting.

28. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

29. ITEMS FROM THE STAFF

There were no items from Staff.

30. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

31. ADJOURNMENT

Moved by Lasseter and seconded by Lewis to adjourn. All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 2:16 p.m.

Charlie Johnson, Chairperson