

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 25, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JULY 11, 2022, MINUTES
Moved by Coleman and seconded by McGregor to approve the Minutes of the July 11, 2022, Planning Commission meeting, with a correction to Motions on pages 16 and 18 to discuss items at the same time. Vote: unanimous 7 to 0.

3. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by McGregor to approve the Agenda of the July 25, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by McGregor and seconded by Coleman to approve the Consent Agenda of the July 25, 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 10-23:** Reynolds and Livingston, LLC. To review a Recreational Vehicle Park with four (4) RV sites in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

That portion of Lot 1 located in Pennington County of Boyle Subdivision, Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Condition Use Permit / CU 10-23 to the August 8, 2022, Planning Commission meeting.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 10-37:** Larson Revocable Trust / Neal Larson. To review a caboose to be used as a seasonal cabin in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C-15, Wolframite Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Condition Use Permit / CU 10-37 with the following six (6) conditions:

1. **That the lot address (12794 Wolframite Road) continues to be properly posted on the caboose and at the driveway so it is clearly visible from both directions of travel on Wolframite Road, in accordance with Pennington County's Ordinance #20;**
2. **That the seasonal cabin (caboose) may not be used more than 180 days per calendar year;**
3. **That a 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;**
4. **That all future structures meet the minimum required setbacks for a Rural Residential District or an approved Setback Variance be obtained prior to Building Permit approval;**
5. **That the caboose continue to be used for personal use only. No commercial activity shall be permitted; and,**
6. **That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-18:** Rapid Valley United Methodist Church. To review an illuminated, existing on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A in NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Condition Use Permit / CU 15-18 with the following six (6) conditions:

1. That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
2. That additional Sign Permit(s) be obtained for any on-premise signs, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the sign must continually meet a minimum of a five (5) foot setback from the front property lines and maintain proper setbacks from all side and rear property lines;
5. That the sign continues to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
6. That this Conditional Use Permit be reviewed in five (5) 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 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-32:** Charles Ferrin. To review living in an existing single-family residence while constructing a new single-family residence and to allow the existing single-family residence to remain as storage on the subject property due to historical age in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4; Section 26, T1S, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 17-32 with the applicant's concurrence.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 20-19:** Heather and Aaron Mills. To review a home occupation, a one-chair hair salon, in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 12, Block 2, Highland Hills Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Condition Use Permit / CU 20-19 with the following eleven (11) conditions:

1. That an approved Building Permit be obtained for the new garage and 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;
2. That hours of customer appointments be from 8:00 a.m. to 6:00 p.m. Monday through Saturday;
3. That no additional employees be allowed beyond the applicant, Heather Mills;
4. That no more than four (4) work days are allowed and no more than eight (8) clients are allowed each day;
5. That no off-premise signs be allowed;
6. That there be a minimum of two (2) off street parking spaces available at all times;
7. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
8. That the property remains free of debris and junk vehicles;
9. That an address be posted on the garage, residence, and at the end of the driveway so that it is visible from Highland Hills Road, in accordance with Pennington County's Ordinance #20;
10. That if any sale or transfer of the subject property from the current owner(s) of record occur, that this Conditional Use Permit for a home occupation automatically end; and,
11. That Conditional Use Permit / CU 20-19 be reviewed in 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 7 to 0.

END OF CONSENT AGENDA

8. CONDITIONAL USE PERMIT / CU 22-34: Joseph Wright / Wright Shed Company. To allow a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 24, Block D, Edelweiss Mountain Development, Sections 17 and 20, T1N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 22-34 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on the Sanitary District 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 on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from sanitary district;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 20-11, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of 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;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;

9. That the lot address (165 Brenner Pass) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Brenner Pass, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Joseph Wright, 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 the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
15. 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;
16. 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,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Conditional Use Permit / CU 22-34, removing Condition #14, with the following seventeen (16) conditions:

- 1. That the maximum overnight occupancy, based on the Sanitary District 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 on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from sanitary district;**

3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 20-11, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of 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;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (165 Brenner Pass) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Brenner Pass, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Joseph Wright, 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 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;
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; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

9. CONDITIONAL USE PERMIT / CU 22-35: Jeff and Leah Lick. To live in a mobile home while building a single-family residence on the subject property in an Agriculture District in accordance with Sections 205, 304, and 510 of the Pennington County Zoning Ordinance.

SW1/4NW1/4, Section 13, T2N, R9E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a single-wide mobile home while building a single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-35 with the following 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 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 an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the applicant obtain a Removal Permit for the singlewide mobile home and that the singlewide mobile home be removed from the property 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.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Conditional Use Permit / CU 22-35 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 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 an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
- 5. That the applicant obtain a Removal Permit for the singlewide mobile home and that the singlewide mobile home be removed from the property 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.**

All voting aye, the Motion carried 7 to 0.

10. PRELIMINARY PLAN / PPL 22-35: Caputa Acres LLC; Milton Gutknecht. To subdivide and create Tract 2 of Caputa Acres Addition in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1-2 and Tract 1 of NE1/4SE1/4 Less S Lazy U Subdivision and Less ROW, both in Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 2, Caputa Acres Subdivision, Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to subdivide and create Tract 2 of Caputa Acres Addition.

Staff recommended approval of Preliminary Plan / PPL 22-35 with the following seven (7) conditions:

1. That at the time of Final Plan submittal, the dedicated public right-off way be removed from the plat as it is not needed over a Section Line Right-of-Way;
2. That at the time of Final Plan submittal the certificates be on the Plat in accordance with § 1700 of the Pennington County Subdivision Regulations;
3. That prior to the plat being filed at Register of Deeds, the applicant constructs the Section Line Right-of-Way (i.e. Wisehart Road) to the standards in Table 1 and Ordinance 14 along the entirety of Tract 2, post surety for the construction of Wisehart Road or an approved Subdivision Regulations Variances are obtained, waiving these requirements;
4. That the 66-foot-wide access between Tract 2 and Lot 1 of S Lazy U Subdivision be continually maintained;
5. That any utility work within the Section Line Right-of-Way will require a permit from the County Highway Department;
6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
7. That at the time of submittal of the Final Plan, the Plan meet requirements of Section 600.

Discussion followed.

Moved by Coleman and seconded by Lewis to approve of Preliminary Plan / PPL 22-35 with the following seven (7) conditions:

- 1. That at the time of Final Plan submittal, the dedicated public right-off way be removed from the plat as it is not needed over a Section Line Right-of-Way;**
- 2. That at the time of Final Plan submittal the certificates be on the Plat in accordance with § 1700 of the Pennington County Subdivision Regulations;**
- 3. That prior to the plat being filed at Register of Deeds, the applicant constructs the Section Line Right-of-Way (i.e. Wisehart Road) to the standards in Table 1 and Ordinance 14 along the entirety of Tract 2, post surety for the construction of Wisehart Road or an approved Subdivision Regulations Variances are obtained, waiving these requirements;**

4. **That the 66-foot-wide access between Tract 2 and Lot 1 of S Lazy U Subdivision be continually maintained;**
5. **That any utility work within the Section Line Right-of-Way will require a permit from the County Highway Department;**
6. **That the applicant ensures all natural drainage ways are maintained and not blocked; and,**
7. **That at the time of submittal of the Final Plan, the Plan meet requirements of Section 600.**

All voting aye, the Motion carried 7 to 0.

11. COMPREHENSIVE PLAN AMENDMENT / CA 22-16: Frank Baldwin. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

That PT of Lot 4 located in Pennington County Less ROW, D A Subdivision, Section 11, T2N, R9E, BHM, Pennington County, South Dakota.

Thuenissen reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District to Ranchette District.

Staff recommended approval of Comprehensive Plan Amendment / CA 22-16.

Moved by Lewis and seconded by Kuehn to wave rules to discuss directly related and similar Agenda Items 11 and 12 at the same time. All voting aye, the Motion carried 7 to 0.

Discussion followed.

Moved by Coleman and seconded by Kevin Burton to approve of Comprehensive Plan Amendment / CA 22-16.

All voting aye, the Motion carried 7 to 0.

12. REZONE / RZ 22-22: Frank Baldwin. To rezone 3.56 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

That PT of Lot 4 located in Pennington County Less ROW, D A Subdivision, Section 11, T2N, R9E, BHM, Pennington County, South Dakota.

Thuenissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 3.56 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 22-22.

Moved by McGregor and Coleman seconded by Burton to approve of Rezone / RZ 22-22.

All voting aye, the Motion carried 7 to 0.

13. CONDITIONAL USE PERMIT / CU 22-30: Larsson Recreational Properties / Paschal Perrotte. To allow a Recreational Vehicle Park on the subject property in a Highway Service District in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 7, Block 2, Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

(Continued from the July 11, 2022, Planning Commission meeting.)

Theunissen stated this Item was continued from the July 11, 2022, Planning Commission meeting.

Staff recommended approval of Conditional Use Permit / CU 22-30 with the following twenty-two (22) conditions:

1. That the Recreational Vehicle (RV) park shall consist of no more than 47 RV sites;
2. That prior to operation, the RV park has an approved OSWTS installed;
3. That all RVs dispose of wastewater through an approved OSWTS;
4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;
5. That the address assigned to the adjacent parcel (24184 Highway 385) continue to be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 385;
6. That each RV site has a unique number assigned and clearly posted;
7. That a minimum 10-foot separation be maintained between each RV site;
8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;
9. That the minimum setback requirements of a Highway Service District be maintained on the subject property;

10. That the minimum setback requirements of a Section Line be maintained on the subject property;
11. That prior to operation, an approved Approach Permit be obtained from the SD Department of Transportation;
12. That prior to any development within the Special Flood Hazard Area or Floodway, an approved Floodplain Development Permit is obtained;
13. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;
14. That the subject property remains free of debris and junk vehicles;
15. That the applicant adheres to PCZO § 510;
16. That upon guest check-in, notifications be made that there is Special Flood Hazard Area and Floodway on the subject property;
17. That no RVs, located within the Special Flood Hazard Area or Floodway, be allowed to remain more than 180 days;
18. That RVs, located within the Special Flood Hazard Area or Floodway, be fully licensed and ready for highway use (i.e. is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions);
19. That emergency notifications be made to guests, by the RV park manager or staff, in the event of an emergency situation requiring evacuation of the area.
20. That all RVs, located within the Special Flood Hazard Area or Floodway, be removed once emergency notifications are made;
21. 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; and,
22. 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 McGregor and seconded by Kuehn to add four conditions to the Conditions of Approval: (1.) That the applicant notify all guests in the event of an emergency by electronic notification; (2.) That, prior to operation of the RV Park, the applicant replaces the existing culvert with a box culvert; (3.) That the applicant follow the flood evacuation

plan that was submitted at the July 25, 2022, Planning Commission meeting; and (4). That the applicant monitors the creek during a rain event, in case of the need to evacuate guests from the RV Park.

Discussion further followed.

SUBSTITUTE MOTION: Moved by LaCroix and seconded by Burton to add the four conditions with minor language changes: (1.) That the applicant notify all guests in the event of an emergency by electronic and audible notification; (2.) That, prior to operation of the RV Park, the applicant replaces the existing culvert with a box culvert; (3.) That the applicant follow the flood evacuation plan that was submitted at the July 25, 2022, Planning Commission meeting; and (4). That the applicant monitors the area in case of the need to evacuate guests from the RV Park due to a rain or fire event; and Condition #19 will be amended to include the language from Conditions #3 and #4 as noted in the Motion.

All voting, the Motion carried 6 to 1. Commissioner Coleman voted no.

Moved by LaCroix and seconded by Burton to approve of Conditional Use Permit / CU 22-30 with the following twenty-four (24) conditions:

- 1. That the Recreational Vehicle (RV) park shall consist of no more than 47 RV sites;**
- 2. That prior to operation, the RV park has an approved OSWTS installed;**
- 3. That all RVs dispose of wastewater through an approved OSWTS;**
- 4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;**
- 5. That the address assigned to the adjacent parcel (24184 Highway 385) continue to be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 385;**
- 6. That each RV site has a unique number assigned and clearly posted;**
- 7. That a minimum 10-foot separation be maintained between each RV site;**
- 8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;**
- 9. That the minimum setback requirements of a Highway Service District be maintained on the subject property;**

10. That the minimum setback requirements of a Section Line be maintained on the subject property;
11. That prior to operation, an approved Approach Permit be obtained from the SD Department of Transportation;
12. That prior to any development within the Special Flood Hazard Area or Floodway, an approved Floodplain Development Permit is obtained;
13. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;
14. That the subject property remains free of debris and junk vehicles;
15. That the applicant adheres to PCZO § 510;
16. That upon guest check-in, notifications be made that there is Special Flood Hazard Area and Floodway on the subject property;
17. That no RVs, located within the Special Flood Hazard Area or Floodway, be allowed to remain more than 180 days;
18. That RVs, located within the Special Flood Hazard Area or Floodway, be fully licensed and ready for highway use (i.e. is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions);
19. That the applicant, RV Park Manager and staff follow the flood evacuation plan that was submitted at the July 25, 2022, Planning Commission meeting in the event of an emergency situation requiring evacuation of the area due to flood or fire;
20. That the applicant notify all guests in the event of an emergency by electronic and audible notification;
21. That, prior to operation of the RV Park, the applicant replaces the existing culvert with a box culvert;
22. That all RVs, located within the Special Flood Hazard Area or Floodway, be removed once emergency notifications are made;
23. 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; and,
24. 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 5 to 2. Commissioners Coleman and Lewis voted no.

Planning Commission recessed for 10 minutes.

14. CONDITIONAL USE PERMIT / CU 19-28: R & J, LLC; Juston Eisenbraun - Agent. To allow a Recreational Vehicle Park on the subject property in a Highway Service District in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the October 28, 2019, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle Park on the subject property.

Staff recommended approval of Conditional Use Permit / CU 19-28 with the following sixteen (16) conditions:

1. That the Recreational Vehicle (RV) Park shall consist of no more than 30 RV sites;
2. That all RVs dispose of wastewater through an approved OSWTS;
3. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;
4. That the assigned address (13514 S. Highway 16) continue to be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 385;
5. That each RV site has a unique number assigned and clearly posted;
6. That a minimum 10-foot separation be maintained between each RV site;
7. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;
8. That all lighting 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;
9. That the minimum setback requirements of a Highway Service District be maintained on the subject property;

10. That the minimum setback requirements of the Section Line be maintained on the subject property;
11. That access to the site be only from the approved South Dakota Department of Transportation (SD DOT) approach and if any future warrants are met, turning lanes be installed, per SD DOT comments;
12. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;
13. That the subject property remains free of debris and junk vehicles;
14. That the applicant adheres to PCZO § 510;
15. 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; and,
16. 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 Burton to approve of Conditional Use Permit / CU 19-28 with the following seventeen (17) conditions:

- 1. That the Recreational Vehicle (RV) Park shall consist of no more than 30 RV sites;**
- 2. That all RVs dispose of wastewater through an approved OSWTS;**
- 3. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;**
- 4. That the assigned address (13514 S. Highway 16) continue to be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 385;**
- 5. That each RV site has a unique number assigned and clearly posted;**
- 6. That a minimum 10-foot separation be maintained between each RV site;**
- 7. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;**

8. That all lighting 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;
9. That the minimum setback requirements of a Highway Service District be maintained on the subject property;
10. That the minimum setback requirements of the Section Line be maintained on the subject property;
11. That access to the site be only from the approved South Dakota Department of Transportation (SD DOT) approach and if any future warrants are met, turning lanes be installed, per SD DOT comments;
12. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;
13. That the subject property remains free of debris and junk vehicles;
14. That the applicant adheres to PCZO § 510;
15. 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; and,
16. 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;
17. 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 aye, the Motion carried 7 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their July 11th meeting.

1. Ordinance Amendment 22-01 – Hard Rock Mining: Pennington County. This item was continued to the September 6, 2022, Board of Commissioners meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

There were no items from the Staff.

18. ITEMS FROM THE MEMBERSHIP

Commissioner McGregor discussed the 4-day work week starting in November. Chairman Johnson provided an update on the Vacation Home Rental Committee. Commissioner Lewis spoke of the Board of Adjustment.

19. ADJOURNMENT

Moved by Coleman and seconded by McGregor to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:42 a.m.

Charlie Johnson, Chairperson