

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 14, 2023 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Mikal Lewis, Kevin Kuehn, Jim Coleman, Kevin Burton, and Ron Rossknecht.

STAFF PRESENT: Brittney Molitor, Kelsey Rausch, Jason Theunissen, Cody Sack, TJ Doreff, Jeri Ervin, Kim Baxter, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE JULY 24, 2023, MINUTES
Moved by Lewis and seconded by Burton to approve the Minutes of the July 24, 2023, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Kuehn and seconded by Burton to approve the Agenda of the August 14, 2023, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Rossknecht and seconded by Burton to approve the Consent Agenda of the August 14, 2023, Planning Commission meeting, with the removal of Item #8. Vote: unanimous 5 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 16-33: Clinton Nulle. To review a single-wide mobile home to be used as a permanent single-family residence on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 16-33 with the following eight (8) conditions:

1. **That the subject property remains free of debris and junk vehicles;**
2. **That the minimum setback requirements of a Suburban Residential District be continually maintained or a Variance be approved by the Board of Adjustment for any encroachment;**

3. That the single-wide mobile home continues to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
4. That CFR 60.3(b)(8) standards continue to be met using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces;
5. 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;
6. That the address (785 C&F Avenue) continues to be clearly posted on the residence and so that it is visible from C&F Avenue, in accordance with Pennington County's Ordinance #20;
7. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property; and,
8. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-47:** Harriet Kelley. To review a Recreational Vehicle to be used as temporary living quarters on the subject property, during the summer months, in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1 of Lot A of Government Lot 2 of the NW1/4NE1/4, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 17-47 with the following ten (10) conditions:

1. That there be no more than 1 Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property, and the second existing RV is only allowed to be used for storage;
2. That the RV shall only be used seasonally between May 1st and October 1st of each year;

3. That an address (24124 Leaky Valley Road) is clearly posted on the RV while it is being utilized as living quarters during the seasonal restrictions, in accordance with Pennington County's Ordinance #20;
4. That the RV being used as a temporary residence continue to be hooked into the approved On-Site Wastewater Treatment System;
5. That the minimum setback requirements of a Rural Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property remains free of debris and junk vehicles;
7. 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;
8. That the RV shall be disconnected from all utilities and may no longer be utilized as living quarters on the subject property upon end of the seasonal use;
9. That the RV continue to be for personal use only and shall not be rented commercially at any time; and,
10. That this Conditional Use Permit be reviewed in three 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 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-31:** Jack Andersen. To review a double-wide mobile home to be used as a caretaker's residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

NE1/4; W1/2NW1/4; SE1/4NW1/4; SW1/4; SE1/4; Section 20, T2S, R14E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 17-31 with the following six (6) conditions:

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence continue to be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That an approved Building Permit be obtained for the caretaker's residence 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;

3. That the minimum setback requirements of an Agriculture District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That once care is no longer needed for Jack Andersen, 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,
6. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-27:** Jerry and Kari-Ann Casper. To review an existing single-family residence to be used as a Bed and Breakfast in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

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

To approve the review of Conditional Use Permit / CU 19-27 with the following twenty (20) 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 the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
11. 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;
12. That quiet hours for the Bed and Breakfast be between 10:00 p.m. and 8:00 a.m.;
13. That the minimum of three (3) off-street parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
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;
15. 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 Environmental and Natural Resources;
16. That the minimum required setbacks of a Rural Residential District be continually maintained on the subject property or approved Setback Variance(s) be obtained;
17. That the addresses for each residence (13351 and 13349 Silver Mountain Road) be continually posted on the Bed and Breakfast and the guest house at all times; and posted where the driveway meets Silver Mountain Road, in accordance with Pennington County's Ordinance #20;

18. 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;
19. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,
20. 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 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 21-58**: Daniel and Virginia Wharton. To review an accessory dwelling unit on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2R, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To approve the review of Conditional Use Permit / CU 21-58 with the following fourteen (14) conditions:

1. That only 1 Accessory Dwelling Unit (ADU) be allowed on the property;
2. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;
3. That the addresses assigned to the ADU and the primary residence continue to be posted on each residence and at the end of the driveway where it intersects Twisted Oak Trail so they are clearly visible, in accordance with Pennington County Ordinance #20;
4. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);
5. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
6. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
7. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
8. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;

9. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
10. That at least one (1) off-street parking space be provided for the ADU;
11. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Zoning Ordinance;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
13. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; and,
14. That this Conditional Use Permit be reviewed in three 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 5 to 0.

END OF CONSENT AGENDA

Commissioner Coleman appeared at the meeting at 9:05 a.m.

8. CONDITIONAL USE PERMIT REVIEW / CU 22-19: Steven and Janae Bell. To review an accessory dwelling unit to be located in a garage on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

That Portion of Lot C of HES #201 lying in the NE1/4, in the E1/2NW1/4NW1/4SE1/4 and in the NE1/4NW1/4SE1/4 of HES #201, Section 12, T2S, R3E, BHM, Pennington County, South Dakota.

Commissioner Johnson requested to have this item removed from the Consent Agenda for discussion.

Staff recommended approval of the review of Conditional Use Permit / CU 22-19 with the following eighteen (18) conditions:

1. That only one (1) Accessory Dwelling Unit (ADU) be allowed;
2. That the applicants obtain an approved Building Permit for the ADU;

3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;
4. That the ADU has a residential appearance and cannot be a Recreational Vehicle;
5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Medicine Mountain Road so they are clearly visible, in accordance with Pennington County Ordinance #20;
6. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
7. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
9. That the applicant obtain an approved Operating Permit for the current Onsite Wastewater Treatment System on the property prior to submittal of a Building Permit for the ADU;
10. That Home Occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
13. That at least 1 off-street parking space be provided for the ADU;
14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
15. That the applicants adhere to the attached comments from the U.S. Forest Service;
16. That prior to submittal of a Building Permit application, an access agreement on Balance of Lot C in HES #201 be filed at the Register of Deeds;
17. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
18. That this Conditional Use Permit be reviewed March 2024, 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 Johnson and seconded by Rossknecht to approve the review of Conditional Use Permit / CU 22-19 with the following eighteen (18) conditions:

- 1. That only one (1) Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the applicants obtain an approved Building Permit for the ADU;**
- 3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;**
- 4. That the ADU has a residential appearance and cannot be a Recreational Vehicle;**
- 5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Medicine Mountain Road so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 6. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);**
- 7. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;**
- 8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;**
- 9. That the applicant obtain an approved Operating Permit for the current Onsite Wastewater Treatment System on the property prior to submittal of a Building Permit for the ADU;**
- 10. That Home Occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;**
- 11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;**
- 12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;**
- 13. That at least 1 off-street parking space be provided for the ADU;**
- 14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;**
- 15. That the applicants adhere to the attached comments from the U.S. Forest Service;**

16. **That prior to submittal of a Building Permit application, an access agreement on Balance of Lot C in HES #201 be filed at the Register of Deeds;**
17. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,**
18. **That this Conditional Use Permit be reviewed March 2024, 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.

Moved by Burton and seconded by Lewis to wave rules to discuss similar Agenda Items #9 and #10 at the same time. All voting aye, the Motion carried 6 to 0.

9. COMPREHENSIVE PLAN AMENDMENT / CA 23-07: Aren Wells. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 6B, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended denial of Comprehensive Plan Amendment / CA 23-07, as roads and infrastructure do not support further Suburban Residential development.

Discussion followed.

Moved by Burton and seconded by Lewis to deny without prejudice Comprehensive Plan Amendment / CA 23-07, as roads and infrastructure do not support further Suburban Residential development.

All voting aye, the Motion carried 6 to 0.

10. REZONE / RZ 23-10: Aren Wells. To rezone from Agriculture District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 6B, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended denial of Rezone / RZ 23-10, as roads and infrastructure do not support further Suburban Residential development.

Discussion followed.

Moved by Burton and seconded by Coleman to deny without prejudice Rezone / RZ 23-10, as roads and infrastructure do not support further Suburban Residential development.

All voting aye, the Motion carried 6 to 0.

11. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in accordance with the Pennington County Zoning Ordinance.

Lot 17 Less Outlot 1 and Right-of-Way (also in Section 3) and Outlot 1 of Lot 17 and 30 feet Right-of-Way, all located in Saxon Placer MS 1250, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the July 10, 2023, Planning Commission meeting.)

Theunissen stated this item was continued from the July 10, 2023, Planning Commission meeting in order for the applicant to address concerns of staff.

Staff recommended to continue Planned Unit Development Overlay / PU 23-06 to the September 11, 2023, Planning Commission meeting to allow the applicant time to address concerns of staff.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to continue Planned Unit Development Overlay / PU 23-06 to the September 11, 2023, Planning Commission meeting to allow the applicant time to address concerns of staff.

All voting aye, the Motion carried 6 to 0.

12. CONDITIONAL USE PERMIT / CU 23-27: Ledcor Technical Services; Kristi Bormanis - Agent. To install an inline amplifier on the subject property to amplify existing telecommunication facilities in an Agriculture District and Highway Service District in accordance with the Pennington County Zoning Ordinance.

NE1/4 Less NE1/4NE1/4NE1/4NE1/4, Less E1/2 NW1/4NE1/4 NE1/4NE1/4, Less Lot H1 of NE1/4 and Less Row, Section 29, T2N, R11E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to install an inline amplifier on the subject property to amplify existing telecommunication facilities.

Staff recommended approval of Conditional Use Permit / CU 23-27 with the following nine (9) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;
2. That an approved Approach Permit must be obtained for the existing single-family residence and proposed site through the Pennington County Highway Department prior to submittal of the Building Permit Application;
3. That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions of travel on 227th Street;
4. That the facility be continually secured with a fence at least seven (7) feet in height;
5. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
6. That reasonable steps shall be taken to reduce light and sound emissions from the facility;
7. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete, or asphalt and maintained in such a manner that no dust will result from its continuous use;
8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the structures and to match the surrounding area; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.

Discussion followed.

Moved by Burton and seconded by Lewis to approve of Conditional Use Permit / CU 23-27 with the following nine (9) conditions:

- 1. That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That an approved Approach Permit must be obtained for the existing single-family residence and proposed site through the Pennington County Highway Department prior to submittal of the Building Permit Application;**

3. **That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions of travel on 227th Street;**
4. **That the facility be continually secured with a fence at least seven (7) feet in height;**
5. **That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**
6. **That reasonable steps shall be taken to reduce light and sound emissions from the facility;**
7. **That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete, or asphalt and maintained in such a manner that no dust will result from its continuous use;**
8. **That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the structures and to match the surrounding area; and,**
9. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.**

All voting aye, the Motion carried 6 to 0.

13. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-08: Carl Gosselin and Sylvie Veilleux. To amend an existing Planned Unit Development to live in a Recreational Vehicle while building a single-family residence on the subject property in accordance with the Pennington County Zoning Ordinance.

Tract 11, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicants have applied for a Minor Planned Unit Development Amendment to amend an existing Planned Unit Development to live in a Recreational Vehicle while building a single-family residence on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 23-08 with the following twenty-four (24) conditions:

1. That there be no more than one (1) RV allowed to be utilized as temporary living quarters on the subject property;

2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
3. That an approved On-Site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property within one (1) year;
4. That prior an installation of the OSWTS, the wastewater from the RV be properly disposed of at all times;
5. That the applicants cannot occupy the RV until Minor Planned Unit Development PU23-08 is approved;
6. That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Rushmore Ranch Road, in accordance with Pennington County's Ordinance #20;
7. That the minimum setback requirements of twenty-five (25) feet be maintained on the subject property;
8. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
10. That the property remains free of debris and junk vehicles;
11. That the applicant adheres to Pennington County Zoning Ordinance Section 216;
12. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
13. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;
14. That all single-family residences be constructed on lots containing three acres or more;
15. That a minimum of 9.67 acres of common area be provided;
16. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;

17. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
18. That no structures have wood shakes;
19. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
20. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
21. That Tract 12 and 14 be allowed to be re-platted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
22. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
23. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
24. That this Major Planned Unit Development Amendment 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 Rossknecht and seconded by Kuehn to approve of Minor Planned Unit Development Amendment / PU 23-08 with the following twenty-four (24) conditions:

- 1. That there be no more than one (1) RV allowed to be utilized as temporary living quarters on the subject property;**
- 2. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;**
- 3. That an approved On-Site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property within one (1) year;**
- 4. That prior an installation of the OSWTS, the wastewater from the RV be properly disposed of at all times;**

5. That the applicants cannot occupy the RV until Minor Planned Unit Development PU23-08 is approved;
6. That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Rushmore Ranch Road, in accordance with Pennington County's Ordinance #20;
7. That the minimum setback requirements of twenty-five (25) feet be maintained on the subject property;
8. That the RV no longer be used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
10. That the property remains free of debris and junk vehicles;
11. That the applicant adheres to Pennington County Zoning Ordinance Section 216;
12. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
13. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;
14. That all single-family residences be constructed on lots containing three acres or more;
15. That a minimum of 9.67 acres of common area be provided;
16. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
17. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
18. That no structures have wood shakes;
19. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;

20. That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines;
21. That Tract 12 and 14 be allowed to be re-platted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
22. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
23. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
24. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

14. MINOR PLAT / MPL 23-18: Limestone Creek Ranch, LLC; Thomas Stowers. To subdivide and create Lots 4A and 4B of Oak Meadows Subdivision in accordance with the Pennington County Subdivision Regulations Variance.

EXISTING LEGAL DESCRIPTION: Lot 4 Revised, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL DESCRIPTION: Lots 4A and 4B, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lots 4A and 4B of Oak Meadows Subdivision.

Staff recommended approval of Minor Plat / MPL 23-18 with the following four (4) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. 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;

3. 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; 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 Rossknecht and seconded by Burton to approve of Minor Plat / MPL 23-18 with the following four (4) conditions:

- 1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. 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;**
- 3. 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; 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.

Moved by Burton and seconded by Lewis to wave rules to discuss similar Agenda Items #15, #16, and #17 at the same time. All voting aye, the Motion carried 6 to 0.

15. CONDITIONAL USE PERMIT / CU 22-31: Scott Mohr. To allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot A of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a two-story multi-family residence (4-plex) on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-31 with the following seven (7) conditions:

1. That a minimum of 8 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310(A)(9)(l);
2. That the applicant adheres to the requirements of PCZO § 303;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That separate addresses be assigned to each dwelling unit;
5. That the addresses must be posted on each residence so they are visible from both directions of travel on Knuckleduster Road in accordance with Pennington County Ordinance #20;
6. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 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 Rossknecht and seconded by Lewis to approve of Conditional Use Permit / CU 22-31 with the following seven (7) conditions:

- 1. That a minimum of 8 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310(A)(9)(l);**
- 2. That the applicant adheres to the requirements of PCZO § 303;**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 4. That separate addresses be assigned to each dwelling unit;**
- 5. That the addresses must be posted on each residence so they are visible from both directions of travel on Knuckleduster Road in accordance with Pennington County Ordinance #20;**
- 6. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 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 6 to 0.

16. CONDITIONAL USE PERMIT / CU 22-32: Scott Mohr. To allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot B of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a two-story multi-family residence (4-plex) on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-32 with the following seven (7) conditions:

1. That a minimum of 8 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310(A)(9)(l);
2. That the applicant adheres to the requirements of PCZO § 303;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That separate addresses be assigned to each dwelling unit;
5. That the addresses must be posted on each residence so they are visible from both directions of travel on Knuckleduster Road in accordance with Pennington County Ordinance #20;
6. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 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 Burton and seconded by Kuehn to approve of Conditional Use Permit / CU 22-32 with the following seven (7) conditions:

- 1. That a minimum of 8 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310(A)(9)(l);**
- 2. That the applicant adheres to the requirements of PCZO § 303;**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 4. That separate addresses be assigned to each dwelling unit;**
- 5. That the addresses must be posted on each residence so they are visible from both directions of travel on Knuckleduster Road in accordance with Pennington County Ordinance #20;**
- 6. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 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 6 to 0.

17. CONDITIONAL USE PERMIT / CU 22-33: Scott Mohr. To allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot C of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a two-story multi-family residence (4-plex) on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-33 with the following seven (7) conditions:

1. That a minimum of 8 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310(A)(9)(l);
2. That the applicant adheres to the requirements of PCZO § 303;

3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That separate addresses be assigned to each dwelling unit;
5. That the addresses must be posted on each residence so they are visible from both directions of travel on Knuckleduster Road in accordance with Pennington County Ordinance #20;
6. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 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 Rossknecht and seconded by Coleman to approve of Conditional Use Permit / CU 22-33 with the following seven (7) conditions:

- 1. That a minimum of 8 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310(A)(9)(l);**
- 2. That the applicant adheres to the requirements of PCZO § 303;**
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;**
- 4. That separate addresses be assigned to each dwelling unit;**
- 5. That the addresses must be posted on each residence so they are visible from both directions of travel on Knuckleduster Road in accordance with Pennington County Ordinance #20;**
- 6. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 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 6 to 0.

18. CONDITIONAL USE PERMIT / CU 23-26: Mike Wagner; Jeff DeVeny - Landowner. To allow for motor vehicle rentals on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for motor vehicle rentals on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-26 with the following nineteen (19) conditions:

1. That the permitted use be limited to the rental of 20 vehicles, to include 10 UTVs and 10 cars;
2. That all assigned addresses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
3. That access to the site be only from the approved South Dakota Department of Transportation (SD DOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;
4. That at least 27 off-street parking spaces be designated per Pennington County Zoning Ordinance (PCZO) § 310;
5. That all UTVS and cars are to be parked on paved or gravel surfaces;
6. That any On-site Wastewater Treatment System comply with PCZO and SD Department of Agriculture and Natural Resources requirements (SD DANR);
7. That the days of operation for the rentals 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;
8. That operation of the motor vehicle rentals be from April 15th to November 1st.
9. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
10. That the UTVs be thoroughly cleaned after use, to prevent the spread of invasive weeds;
11. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the UTV rental or maintenance so it is accessible at all times;
12. That fueling operations for the UTVs and cars occur off-site;

13. That vehicle maintenance be performed within a designated structure and that no junk or parts be allowed to accumulate on the subject property;
14. 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;
15. 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;
16. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;
17. 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;
18. That a temporary Building Permit be obtained for the office, and,
19. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in March 2024, or as directed by the Planning Commission or on a complaint basis to ensure all proposed improvements to the subject property are completed prior to seasonal operations beginning on April 15, 2024.

Discussion followed.

Moved by Coleman and seconded by Rossknecht to continue Conditional Use Permit 23-26 to the August 28, 2023, Planning Commission meeting to address concerns of the Planning Commission.

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 23-25: IMP Properties, LLC; Gregg Schmidt - Agent. To allow for the manufacturing, storage, processing and testing of energetic materials on the subject property in a Heavy Industrial District in accordance with the Pennington County Zoning Ordinance.

S825 feet of SE1/4, Section 29, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for the manufacturing, storage, processing and testing of energetic materials on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-25 with the following twenty-one (21) conditions:

1. That prior to operation, the applicant receives final DCMA approval;
2. That prior to operation, the applicant installs a 5,000-gallon water cistern to aid in firefighting response efforts;
3. That prior to operation, the applicant works with County/City Fire to develop an emergency response “job aid”;
4. That prior to operation, a 24-7 “duty officer” phone number be provided to Emergency Services Communications Center;
5. That prior to operation, the future address be posted at the entrance to the property and on the main office structure, so that it is visible from both directions of travel on Lamb Road in accordance with Pennington County Ordinance #20;
6. That prior to operation, the applicant obtains County Fire approval of a unique numbering/addressing plan for the storage facilities on the subject property and a final copy be kept on file with the Emergency Services Communications Center;
7. That prior to operation, the applicant provides an updated site plan, with facility blueprints, to the Emergency Services Communications Center, Rapid City Fire Department, Rapid Valley Fire Volunteer Department, South Dakota National Guard (Civilian Support Team), Rapid City-Pennington County Emergency Management;
8. That prior to operation, the applicant deploys and maintains a system of monitored alarms, access controls, and site cameras;
9. That all structure hazard placards meet DOT and DOD requirements;
10. That prior to Building Permit application, the applicant works with the Planning Department and County Highway Department to name the Section Line “Lamb Road” and post the road name sign;
11. That if further development requires additional access to this parcel, from Lamb Road, the road must be improved to Ordinance #14 standards for industrial roads along the entire length of the subject property;
12. That all necessary permits are obtained prior to the installation, upgrade, or alteration to any On-Site Wastewater Treatment System, which will require approval from SD DANR;
13. That off-street parking be provided for all vehicles used directly in the conduct of the requested use, plus one parking space for every three employees on a single shift;

14. That any 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;
15. That dust control measures be implemented to reduce the amount of dust from trucks and equipment leaving and entering the subject property;
16. That emergency contact information be posted at the entrance of the subject property;
17. That erosion control measures be implemented to prevent sediment from leaving the site;
18. That the property remains free of junk and debris at all times;
19. That all natural drainage paths be continually maintained;
20. 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,
21. 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 also stated Staff would like to amend the language in Condition #1 to state: “That prior to commercial operation, the applicant receives ATF approval.” He further stated that Staff would like to add a condition to state: “That prior to governmental operation, the applicant receives DCMA approval.”

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Conditional Use Permit / CU 23-25, with amended language in Condition #1, with the following twenty-two (22) conditions:

- 1. That prior to commercial operation, the applicant receives ATF approval;**
- 2. That prior to governmental operation, the applicant receives DCMA approval;**
- 3. That prior to operation, the applicant installs a 5,000-gallon water cistern to aid in firefighting response efforts;**
- 4. That prior to operation, the applicant works with County/City Fire to develop an emergency response “job aid”;**

5. That prior to operation, a 24-7 “duty officer” phone number be provided to Emergency Services Communications Center;
6. That prior to operation, the future address be posted at the entrance to the property and on the main office structure, so that it is visible from both directions of travel on Lamb Road in accordance with Pennington County Ordinance #20;
7. That prior to operation, the applicant obtains County Fire approval of a unique numbering/addressing plan for the storage facilities on the subject property and a final copy be kept on file with the Emergency Services Communications Center;
8. That prior to operation, the applicant provides an updated site plan, with facility blueprints, to the Emergency Services Communications Center, Rapid City Fire Department, Rapid Valley Fire Volunteer Department, South Dakota National Guard (Civilian Support Team), Rapid City-Pennington County Emergency Management;
9. That prior to operation, the applicant deploys and maintains a system of monitored alarms, access controls, and site cameras;
10. That all structure hazard placards meet DOT and DOD requirements;
11. That prior to Building Permit application, the applicant works with the Planning Department and County Highway Department to name the Section Line “Lamb Road” and post the road name sign;
12. That if further development requires additional access to this parcel, from Lamb Road, the road must be improved to Ordinance #14 standards for industrial roads along the entire length of the subject property;
13. That all necessary permits are obtained prior to the installation, upgrade, or alteration to any On-Site Wastewater Treatment System, which will require approval from SD DANR;
14. That off-street parking be provided for all vehicles used directly in the conduct of the requested use, plus one parking space for every three employees on a single shift;
15. That any 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;
16. That dust control measures be implemented to reduce the amount of dust from trucks and equipment leaving and entering the subject property;

17. **That emergency contact information be posted at the entrance of the subject property;**
18. **That erosion control measures be implemented to prevent sediment from leaving the site;**
19. **That the property remains free of junk and debris at all times;**
20. **That all natural drainage paths be continually maintained;**
21. **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,**
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.**

All voting aye, the Motion carried 6 to 0.

The Planning Commission took a recess.

20. 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 July 24, 2023, Planning Commission meeting.)

This is an Ordinance Amendment to amend Section 319 Vacation Home Rental of the Zoning Ordinance.

Moved by Burton and seconded by Lewis to continue discussion of density from the Vacation Home Rental Memo dated April 24, 2023.

All voting aye, the Motion carried 6 to 0.

Discussion followed.

Moved by Rossknecht and seconded by Lewis to approve the language in Section D-7-b and to exclude Planned Unit Development Zoning Districts, Planned Unit Development Overlays, Commercial Zoning Districts, and Highway Service Zoning Districts from the capped percentage on the allowable number of Vacation Home Rentals in those zoning districts.

All voting, the Motion carried 4 to 2. Commissioners Rossknecht, Lewis, Burton and Johnson voted yes. Commissioners Kuehn and Coleman voted no.

Discussion continued.

Moved by Lewis and seconded by Coleman to discuss Ordinance Amendment / OA 23-01 section by section.

All voting aye, the Motion carried 6 to 0.

Commissioner Burton left the meeting at 12:41 p.m. and did not return.

SUBSTITUTE MOTION: Moved by Lewis and seconded by Rossknecht to continue Ordinance Amendment / OA 23-01 to the August 28, 2023, Planning Commission meeting, with the request that the item be placed on the agenda to be heard first.

All voting aye, the Motion carried 5 to 0.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 24, 2023, Planning Commission meeting.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the July 2023 Building Permit Report.

24. ITEMS FROM THE MEMBERSHIP

Chairman Johnson discussed the usefulness of the Vacation Home Rental Memo.

25. ADJOURNMENT

Moved by Rossknecht and seconded by Lewis to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 12:48 p.m.

Charlie Johnson, Chairperson