

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

November 28, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Kelsey Rausch, Cody Sack, Megan Talmage, Christine Phillip, Jason Theunissen, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE NOVEMBER 14, 2022, MINUTES
Moved by Drewes and seconded by Lewis to approve the Minutes of the November 14, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by Burton to approve the Agenda of the November 28, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Burton and seconded by Lewis to approve the Consent Agenda of the November 28, 2022, Planning Commission meeting, with the removal of Item #9. 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 11-16:** Randy and Viola Scott. To review a single-wide mobile home as a permanent, single-family residence in a Suburban Residential District in accordance with Sections 209, 304, and 510 of the Pennington County Zoning Ordinance.

Lot 16, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 11-16 with the following four (4) conditions:

1. **That the lot address (5494 Greenwood Lane) continue to be clearly posted so it is visible from Greenwood Lane at all times in accordance with Pennington County's Ordinance #20;**

2. That the mobile home remains in compliance with Section 304 of the Pennington County Zoning Ordinance;
3. 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; and,
4. 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 14-24:** Lawrence Meagher and Margaret Chalcraft. To review a single-wide mobile home as a single-family residence in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Buchholz Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 14-24 with the following six (6) conditions:

1. That the minimum setback requirements of a Rural Residential District be continually maintained on the property;
2. That the property be kept free of debris and junk vehicles;
3. That the lot address (4121 Apple Tree Road) continue to be posted on the mobile home and posted so it is clearly visible from both directions of travel along Apple Tree Road at all times in accordance with Pennington County's Ordinance #20;
4. That the mobile home has a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;
5. 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; and,
6. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the 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 19-21**: Joe Kubick / Black Hills Haven, LLC. To transfer an existing Vacation Home Rental in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4R, Block D, Edelweiss Mountain Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 19-21 to the December 12, 2022, Planning Commission meeting.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 20-17**: Charan and Melissa Mungara. To review a Bed and Breakfast on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot E, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 20-17 with the property owner's concurrence.

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 20-21**: Pacific Properties, LLC; Tamra Backes. To review a mobile home park in a Suburban Residential District in accordance with Sections 209, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot G of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-21 with the following fifteen (15) conditions:

1. **That the mobile home park has a maximum of 52 mobile home spaces;**
2. **That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide, governor's home);**
3. **That the mobile homes shall have a minimum 20-foot setback on the front, side, and rear to other units;**
4. **That decks and/or porches be allowed as an accessory structure to each mobile home;**
5. **That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park;**

6. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
7. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That a “no fee” Building Permit shall be obtained for the removal of mobile homes on the property;
9. That the addition of accessory structures (i.e., decks, sheds, additions to mobile home) exceeding 144 square feet or on a permanent foundation shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
10. That the mobile homes are addressed based on the new lots assignments and the address is posted on the mobile homes in accordance in Ordinance #20;
11. That prior to approval of any Building Permit, the applicant submits a new site plan showing the location of each mobile homes on each lot;
12. That the mobile home park be provided with an on-site management office and that said Manager’s Office be marked and contact information posted;
13. That all the interior streets shall be a minimum of 20 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
14. That the mobile home park continually meets the requirements of Section 305 of the Pennington County Zoning Ordinance; and, That the mobile home park continually meets the requirements of Section 305 of the Pennington County Zoning Ordinance; and,
15. That this Conditional Use Permit be reviewed in one (1) year, 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.

8. **CONDITIONAL USE PERMIT REVIEW / CU 21-06:** Clyde and Dianne Graumann. To review a garage prior to a principle structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6, Carlin Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 21-06 with the applicant’s concurrence.

Vote: unanimous 5 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 21-33:** Craig and Wendy Mullins. To review living in a Recreational Vehicle while building a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1R2 (also in Section 36, T2N, R6E), Block 1, Westberry Trails Subdivision, Section 31, T2N, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 21-33 with the applicant's concurrence.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

9. **CONDITIONAL USE PERMIT REVIEW / CU 21-12:** Kent Przymus. To review a camper to be used as temporary living quarters while working on the property and cabin during the spring, summer, and fall; up 180 days per calendar year, in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 4 (also in Section 23), Block 9, Dakota Lode Subdivision, Section 14, T2N, R3E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 21-12 with conditions.

Discussion followed.

Moved by Lewis and seconded by Burton to approve the extension of Conditional Use Permit / CU 21-12 with the following twelve (12) conditions:

1. **That only one (1) camper allowed to be utilized as temporary living quarters on the property up to 180 days per calendar year;**
2. **That the address, 22619 N. Rochford Road, be properly posted in accordance with Pennington County Ordinance #20 so it is clearly visible from both directions of travel along N Rochford Road;**
3. **That the wastewater from the camper be properly disposed of at all times by utilizing the existing On-Site Wastewater Treatment System on the property;**

4. That the cabin and/or the camper not be utilized as a nightly or weekly vacation rental and only be used by the applicant for personal use;
5. That the camper no longer be used as temporary living quarters once the cabin is habitable, following which the camper only be allowed to be stored on the property and disconnected from utilities;
6. That the applicant adheres to the U.S. Forest Service's requirements at all times;
7. That the minimum setback requirements of a Suburban Residential District be maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the minimum 58-foot Section Line setback be maintained on the property;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
10. That the property remains free of debris and junk vehicles;
11. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

11. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-15: Darrell Bren. To allow an accessory structure as a primary structure on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 78R, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Talange reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development to allow an accessory structure, a shop building, as a primary structure on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 22-15 with the following seventeen (17) conditions:

1. 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;
2. 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;
3. That all single-family residences be constructed on lots containing three acres or more;
4. That a minimum of 9.67 acres of common area be provided;
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;
8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That Tract 12 and 14 be allowed to be replatted 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;
10. That 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;
11. 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;
12. That the pole barn cannot be used for living quarters;
13. That an address be assigned for the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Rushmore Ranch Road;
14. That the Applicant obtain an approved Approach Permit from Rushmore Ranch Road District;
15. That the minimum setback requirements for the Planned Unit Development be maintained on the property or the appropriate Variance(s) be obtained;

16. That the Property remain free of junk and debris.
17. That this Minor Planned Unit Development Amendment 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 Coleman to approve of Minor Planned Unit Development Amendment / PU 22-15 with the following seventeen (17) conditions:

- 1. 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;**
- 2. 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;**
- 3. That all single-family residences be constructed on lots containing three acres or more;**
- 4. That a minimum of 9.67 acres of common area be provided;**
- 5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;**
- 6. That a maximum of five (5) commercial structures each no more than 5000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;**
- 7. That no structures have wood shakes;**
- 8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;**
- 9. That Tract 12 and 14 be allowed to be replatted 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;**
- 10. That 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;**
- 11. 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;**

12. That the pole barn cannot be used for living quarters;
13. That an address be assigned for the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Rushmore Ranch Road;
14. That the Applicant obtain an approved Approach Permit from Rushmore Ranch Road District;
15. That the minimum setback requirements for the Planned Unit Development be maintained on the property or the appropriate Variance(s) be obtained;
16. That the Property remain free of junk and debris.
17. That this Minor Planned Unit Development Amendment 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 5 to 0.

12. CONDITIONAL USE PERMIT / CU 22-51: Suzette Wasvick. To allow an Efficiency Dwelling Unit on the subject property in accordance with Sections 205, 330, and 510 of the Pennington County Zoning Ordinance.

Also in Section 30 of Mary E Lode MS 446, Section 19, T1N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an Efficiency Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-51 with the following fifteen (15) conditions:

1. That only 1 Efficiency Dwelling be allowed;
2. That the applicant obtains an approved Building Permit for the Efficiency Dwelling;
3. That prior to use, the Efficiency Dwelling be permanently anchored to the ground;
4. That the Efficiency Dwelling maintains a residential appearance;
5. That the Efficiency Dwelling *not* exceed 400 square feet;
6. That prior to operation, a road sign be posted at the intersection of South Victoria Road and Taylor Ranch Road;

7. That the address assigned to the efficiency dwelling be posted at the intersection of South Victoria Road and Taylor Ranch Road, at the end of the driveway where the driveway splits, at the intersection of the property line and the driveway, and on the residence so they are clearly visible, in accordance with Pennington County Ordinance #20;
8. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
9. That all necessary permits are obtained prior to any additions/ alterations to the Efficiency Dwelling or additions/alterations to the OSWTS;
10. That at least 2 off-street parking spaces be provided for the efficiency dwelling;
11. That the Efficiency Dwelling be continually utilized and maintained in accordance with all requirements of § 330 of the PCZO;
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 within 30 day of approval of CU 22-48, the applicant apply for a Building Permit for the Distributed Solar Energy System;
14. That if the property is ever transferred or sold, the Efficiency Dwelling be removed from the property and this CUP end; and,
15. 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.

Commissioner McGregor appeared at the meeting at 9:29 a.m.

Discussion followed.

Moved by Burton and seconded by Lewis to approve of Conditional Use Permit / CU 22-51 with the following fifteen (15) conditions:

- 1. That only 1 Efficiency Dwelling be allowed;**
- 2. That the applicant obtains an approved Building Permit for the Efficiency Dwelling;**
- 3. That prior to use, the Efficiency Dwelling be permanently anchored to the ground;**
- 4. That the Efficiency Dwelling maintains a residential appearance;**
- 5. That the Efficiency Dwelling *not* exceed 400 square feet;**

6. That prior to operation, a road sign be posted at the intersection of South Victoria Road and Taylor Ranch Road;
7. That the address assigned to the efficiency dwelling be posted at the intersection of South Victoria Road and Taylor Ranch Road, at the end of the driveway where the driveway splits, at the intersection of the property line and the driveway, and on the residence so they are clearly visible, in accordance with Pennington County Ordinance #20;
8. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
9. That all necessary permits are obtained prior to any additions/ alterations to the Efficiency Dwelling or additions/alterations to the OSWTS;
10. That at least 2 off-street parking spaces be provided for the efficiency dwelling;
11. That the Efficiency Dwelling be continually utilized and maintained in accordance with all requirements of § 330 of the PCZO;
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 within 30 day of approval of CU 22-48, the applicant apply for a Building Permit for the Distributed Solar Energy System;
14. That if the property is ever transferred or sold, the Efficiency Dwelling be removed from the property and this CUP end; and,
15. 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.

Moved by Lewis and seconded by Burton to wave rules to discuss directly related and similar Agenda Items #13 and #14 at the same time. All voting aye, the Motion carried 6 to 0.

13. COMPREHENSIVE PLAN AMENDMENT / CA 22-22: Lesley Rutter. 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.

The South 330.23 feet of the NE1/4SW1/4NW1/4 and the North 30 feet of the SE1/4SW1/4NW1/4 of Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

Sack 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 denial of Comprehensive Plan Amendment / CA 22-22, as staff has concerns with increasing density on a road with a single means of ingress and egress.

Discussion followed.

Moved by McGregor and seconded by Lewis to deny Comprehensive Plan Amendment / CA 22-22.

SUBSTITUTE MOTION: Moved by Lewis and seconded by Burton to deny without prejudice Comprehensive Plan Amendment / CA 22-22.

All voting, the Motion carried 5 to 1. Commissioner Johnson voted no.

14. REZONE / RZ 22-29: Lesley Rutter. To rezone 5.00 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

The South 330.23 feet of the NE1/4SW1/4NW1/4 and the North 30 feet of the SE1/4SW1/4NW1/4 of Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 5.00 acres from Agriculture District to Ranchette District.

Staff recommended denial of Rezone / RZ 22-29, as staff has concerns with increasing density on a road with a single means of ingress and egress.

Discussion followed.

Moved by Lewis and seconded by Coleman to deny without prejudice Rezone / RZ 22-29.

All voting, the Motion carried 5 to 1. Commissioner Johnson voted no.

15. REZONE / RZ 22-30: Quintin Larson. To rezone 5.00 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

N1/2NE1/4NW1/4NW1/4, Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 5.00 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 22-30.

Discussion followed.

Moved by Burton and seconded by McGregor to approve of Rezone / RZ 22-30.

All voting aye, the Motion carried 6 to 0.

16. CONDITIONAL USE PERMIT / CU 22-48: Argyle Properties, LLC; Anita Lee. To allow a Vacation Home Rental in an Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Baumgartner Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the November 14, 2022, Planning Commission meeting.)

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit / CU 22-48 to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 22-48 with the following nineteen (19) conditions:

1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six people and the maximum daytime occupancy be limited to twelve people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That prior to operation, the applicant upgrades the Onsite Wastewater Treatment System to allow the fourth bedroom;
3. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from DANR;
4. That the Applicant obtain proper permits prior to utilizing the fire pit on the subject property, guest(s) receive permission from the local contact to utilize the fire pit, and all fire restrictions be followed at all times as pertaining to the fire pit;
5. That there be no sparklers, fireworks, or other flammable devices on the property;
6. That the Applicant provide the phone number and/or internet site address providing the current day's fire conditions and restrictions, as pertaining to the use of a fire pit;
7. That prior to operation of the Vacation Home Rental, the applicant obtain an Approach Permit from Hidden Valley Trail Road District;
8. 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;

9. 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;
10. That a minimum of one off-street parking space per bedroom 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;
11. 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;
12. That the lot address (23911 Hidden Valley Trail) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Hidden Valley Trail, in accordance with Pennington County Ordinance #20;
13. 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;
14. That if the person designated as the Local Contact is ever changed from Wayde Walther, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. 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;
16. That a Variance be obtained for the garage located within the Section Line easement before operation of the Vacation Home Rental;
17. That an approved Sign Permit be obtained prior to the placement of any sign(s);
18. 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,
19. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Conditional Use Permit / CU 22-48 with the following nineteen (19) conditions:

- 1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six people and the maximum daytime occupancy be limited to twelve people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
- 2. That prior to operation, the applicant upgrades the Onsite Wastewater Treatment System to allow the fourth bedroom;**
- 3. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from DANR;**
- 4. That the Applicant obtain proper permits prior to utilizing the fire pit on the subject property, guest(s) receive permission from the local contact to utilize the fire pit, and all fire restrictions be followed at all times as pertaining to the fire pit;**
- 5. That there be no sparklers, fireworks, or other flammable devices on the property;**
- 6. That the Applicant provide the phone number and/or internet site address providing the current day's fire conditions and restrictions, as pertaining to the use of a fire pit;**
- 7. That prior to operation of the Vacation Home Rental, the applicant obtain an Approach Permit from Hidden Valley Trail Road District;**
- 8. 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;**
- 9. 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;**
- 10. That a minimum of one off-street parking space per bedroom 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;**
- 11. 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;**

12. That the lot address (23911 Hidden Valley Trail) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Hidden Valley Trail, in accordance with Pennington County Ordinance #20;
13. 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;
14. That if the person designated as the Local Contact is ever changed from Wayde Walther, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. 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;
16. That a Variance be obtained for the garage located within the Section Line easement before operation of the Vacation Home Rental;
17. That an approved Sign Permit be obtained prior to the placement of any sign(s);
18. 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,
19. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

Commissioner Lewis left the meeting at 11:40 a.m.

Commissioner Lewis returned to the meeting at 11:41 a.m.

17. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the November 14th meeting, at the Board's December 6th meeting.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

There were no items from Staff.

20. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson discussed the language of conflicts of interest/abstentions in the Planning Commission By-Laws and asked that this item be placed on the Agenda for the December 12th Planning Commission meeting for discussion.

21. ADJOURNMENT

Moved by Coleman and seconded by McGregor to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 11:42 a.m.

Charlie Johnson, Chairperson