

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**January 23, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Kevin Kuehn, Mikal Lewis, Kevin Burton, and Deb Hadcock.

STAFF PRESENT: Brittney Molitor, Cody Sack, Megan Talmage, Kelsey Rausch, Christine Phillip, Jason Theunissen and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE DECEMBER 12, 2022, MINUTES  
**Moved by Burton and seconded by McGregor to approve the Minutes of the December 12, 2022, Planning Commission meeting. Vote: unanimous 6 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Lewis and seconded by Burton to approve the Agenda of the January 23 2023, Planning Commission meeting. Vote: unanimous 6 to 0.**

**Moved by Coleman and seconded by Burton to approve the Consent Agenda of the January 23, 2023, Planning Commission meeting, with the removal of Items #6 and #7. Vote: unanimous 6 to 0.**

**CONSENT AGENDA**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 12-31**: Nina McBride. To review a single-wide mobile home to be used as a single-family residence in a Rural Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Chase Subdivision, Section 15, T2N, R6E; BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 12-31 with the following four (4) conditions:**

1. **That the property be kept free of debris and junk vehicles:**

2. That the lot address (10000 Nemo Road) continue to be posted so it is clearly visible from both directions of travel along Nemo Road at all times in accordance with Pennington County's Ordinance #20;
3. That the mobile home has a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting;
4. That this Conditional Use Permit be reviewed on a complaint basis or by Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous 6 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-01**: PLM Investments LLC; Mary L. Riss. To review a single-wide mobile home, as single-family residence, located on each of the subject properties in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot A of Lot 12; Lot 2 of Lot A of Lot 12; and Lot 3 of Lot A of Lot 12, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota

**To approve the extension of Conditional Use Permit / CU 14-01 with the following four (4) conditions:**

1. That each lot address (4695, 4711, and 4727) be clearly posted, on their respective lots, so as to be visible from both directions on Carol Street in accordance with Pennington County's Ordinance #20;
2. That each lot remain debris free, to a condition satisfactory to the Ordinance Enforcement Officer, prior to the issuance of Building Permits to place the new SWMHs on the subject properties;
3. That Removal/Demolition Permits be obtained for each of the single wide mobile homes prior to approval of a Building Permit for each of the new single-wide mobile homes;
4. That each mobile home installed on the property, as replacements for the existing SWMHs, have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
5. That each mobile home installed on the property, as replacements for the existing SWMHs, contain a HUD Label in accordance with Section 304 of the Pennington County Zoning Ordinance.
6. That the minimum setback requirements of a Suburban Residential District be continually maintained on each property;
7. That all subject properties remain free of debris and junk vehicles;

8. That two (2) off-street parking spaces be continually provided, on each of the subject properties, in accordance with Section 310 of the Pennington County Zoning Ordinance;
9. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats/blankets) be implemented;
10. That the removal/demolition of the three mobile homes needs to be completed within ninety (90) days of receiving the Removal/Demolition Permit; and,
11. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission to verify that all conditions of approval are being met.

**Vote: unanimous 6 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-42:** Keith and Sandra Lockner. To review a Home Occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 11, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 18-42 with the following thirteen (13) conditions:**

1. That an approved Building Permit be obtained any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That if a new system or alterations to the current system is required, all rules of Pennington County Zoning Ordinance § 204-(J) be met and the system be approved by South Dakota Department of Agriculture and Natural Resources (DANR), Pennington County, and the EPA, if necessary;
3. That hours of operation be from 8:00 a.m. to 5:00 p.m. Monday through Friday;
4. That no additional employees be allowed beyond the applicant, Sandra Lockner;
5. That no more than 8 clients are allowed each day;
6. That no off-premise signs be allowed;

7. That one home occupation sign be allowed that does not exceed six square feet in area, in accordance with Pennington County Zoning Ordinance § 312, and that a Sign Permit be obtained prior to installation;
8. That there be a minimum of two off street parking spaces available at all times;
9. That all necessary Local, State, and Federal licenses and permits be maintained for the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
10. That the property remain free of debris and junk vehicles;
11. That the address (6830 Green Drive) be continually posted on the residence so that it is visible from Green Drive, in accordance with Pennington County's Ordinance #20;
12. That if any sale or transfer of the subject property from the current owner(s) of record occur, this CUP for a home occupation automatically end; and,
13. That Conditional Use Permit / CU 18-42 be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 21-14:** Greg and Amy Willson. To review a cabin, which is less than 20 feet wide, in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 5, Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 21-14 with the following five (5) conditions:**

1. 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;
2. That the address continues to be clearly posted, so as to be visible from North Prairie Creek Road, in accordance with Pennington County's Ordinance #20;
3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);

4. That the minimum setback requirements of a Rural Residential District be continually maintained on the property; and,
5. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 21-15:** Quentin and Sherrie Strand. To review a garage as a primary structure on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 2, Alpine Acres Addition No. 1, Section 13, T2N, R4E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 21-15 with the following seven (7) conditions:**

1. That the proposed garage be used for personal use only, as cold storage, no commercial-type use is allowed;
2. That an address be properly and continually posted on the proposed garage and posted at the end of Fawn Drive off of Rochford Road, in accordance with Pennington County Ordinance #20;
3. That the minimum setback requirements for a Rural Residential District be maintained on the property or the appropriate Variance(s) be obtained;
4. That the applicant obtains a Removal Permit prior to the removal of the existing detached garage;
5. That the applicant adheres to the U.S. Forest Service's requirements at all times;
6. 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,
7. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 6 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 21-43**: Kenneth and Carin Wilson. To review a multi-family dwelling in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4SW1/4, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 21-43 with the applicant's concurrence.**

**Vote: unanimous 6 to 0.**

11. **CONDITIONAL USE PERMIT REVIEW / CU 22-28**: Michael and Renee Myers. To review a Guest House in a shop in an Agriculture District in accordance with Sections 205, 318 and 510 of the Pennington County Zoning Ordinance.

E1/2NW1/4 Less Tract A, Section 14, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve the extension of Conditional Use Permit / CU 22-28 with the following nine (9) conditions:**

1. **That the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less;**
2. **That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;**
3. **That the Guest House shall not be used for more than 180 days per calendar year;**
4. **That the primary residence be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318-B-10;**
5. **That the on-site wastewater treatment system be in compliance with PCZO § 204(J);**
6. **That the addresses assigned to the primary residence and the Guest House be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;**
7. **That the Guest House be utilized and maintained in accordance with all requirements of the PCZO § 318;**
8. **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,**

9. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**Vote: unanimous 6 to 0.**

12. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-12:** Jeremy Cummings (Lonny Tunks). To review a gunsmithing business in a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1, Block 3, Prairiefire Subdivision, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

**To end Minor Planned Unit Development Amendment / PU 17-12.**

**Vote: unanimous 6 to 0.**

#### **END OF CONSENT AGENDA**

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

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

Commissioner Lewis requested this item be removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 19-18 with conditions.

Discussion followed.

**Moved by McGregor and seconded by Lewis to approve the extension of Conditional Use Permit / CU 19-18 with the following sixteen (16) conditions.**

1. **That the maximum overnight occupancy, based on South Dakota Department Agriculture and Natural Resources (SD DANR) approval, be limited to 12 people and the maximum daytime occupancy be limited to 24 people, per Pennington County Zoning Ordinance (PCZO) §§ 319(F)(1) and (13);**

2. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;
4. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
5. That each review of Conditional Use Permit / CU 19-18, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
6. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
8. That a minimum of 4 off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, as well as floodplain map per § 319(G)(1)(n);
10. That the lot address (12283 Deerfield Road) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Chuck Klafka, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;



13. **That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;**
14. **That an approved Sign Permit be obtained prior to the placement of any sign(s);**
15. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and;**
16. **That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 6 to 0.**

7. CONDITIONAL USE PERMIT REVIEW / CU 19-29: Chad and Nancy Reber. To review a contractor's equipment storage yard in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of W1/2SW1/4 Less Tract A of Lot 1, Less Blaseg Subdivision and Less Right-of-Way, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

Staff requested this item be removed from the Consent Agenda for discussion.

Staff originally recommended to end Conditional Use Permit / CU 19-29, as the use has ceased for more than one year, but now are recommending to continue to the February 13, 2023, Planning Commission meeting to allow staff time to meet with the applicants.

Discussion followed.

**Moved by Burton and seconded by McGregor to continue the review of Conditional Use Permit / CU 19-29 to the February 13, 2023, Planning Commission meeting to allow staff time to meet with the applicants.**

**All voting aye, the Motion carried 6 to 0.**

13. CONDITIONAL USE PERMIT / CU 22-53: Bernard Burrows. To allow a Home Occupation for internet firearm sales on the subject property in accordance with Sections 204, 205, and 510 of the Pennington County Zoning Ordinance.

Lot Q of Mountain Park Placer MS 1230, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Home Occupation for internet firearm sales on the subject property.

Staff recommended to deny without prejudice Conditional Use Permit / CU 22-53.

Discussion followed.

**Moved by Lewis and seconded by Hadcock to deny without prejudice Conditional Use Permit / CU 22-53.**

**All voting aye, the Motion carried. 6 to 0.**

14. CONDITIONAL USE PERMIT / CU 22-52: Chris and Christina Fellerman. To allow a Vacation Home Rental in an Agriculture District in accordance with Sections 205, 319, and 519 of the Pennington County Zoning Ordinance.

Lot B of Lot 1, Merchen Addition #2, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 22-52 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (DANR) letter, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from South Dakota DANR;
3. That no open fires be allowed during operation of the Vacation Home Rental.
4. That each review of Conditional Use Permit / CU 22-52, be subject to PCZO § 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;

7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (13240 Daybreak Ridge Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Paige Perez, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by McGregor and seconded by Kuehn to approve of Conditional Use Permit / CU 22-52.**

**Roll Call Vote: Commissioners Johnson, Burton, Lewis, and Hadcock voted no. Commissioners McGregor and Kuehn voted yes. Motion to approve failed 2 to 4.**

Commissioner Burton left the meeting at 10:50 a.m.

Commissioner Burton returned to the meeting at 10:52 a.m.

15. REZONE / RZ 22-32: Shirley Brownell and Robert Brownell; KTM Design Solutions - Agent. To rezone 9.78 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

The East 645.80 feet of the N1/2SE1/4NE1/4 of Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 9.78 acres from Agriculture District to Rural Residential District.

Staff recommended approval of Rezone / RZ 22-32.

Discussion followed.

**Moved by Hadcock and seconded by Burton to approve of Rezone / RZ 22-32.**

**All voting aye, the Motion carried 6 to 0.**

16. REZONE / RZ 22-31: Argyle Properties, LLC; Anita Lee; Jim Peterson - Agent. To rezone 13.55 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

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

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 13.55 acres from Agriculture District to Ranchette District.

Commissioner Hadcock left the meeting at 10:59 a.m.

Commissioner Hadcock returned to the meeting at 11:01 a.m.

Staff recommended approval of Rezone / RZ 22-31.

Discussion followed.

Commissioner McGregor left the meeting at 11:13 a.m.

Commissioner McGregor returned to the meeting at 11:14 a.m.

**Moved by Kuehn and seconded by Lewis to approve of Rezone / RZ 22-31.**

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

Planning Commission took a 10 minute recess.

17. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-17: David Allard. To allow a Planned Unit Development Overlay for a mixed-use structure, a mobile home park, and a multiple-family dwelling in a Commercial District in accordance with Sections 211, 216, 303, 304 and 305 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR Right-of-Way Across Lot 1, Subdivision of Section 31, 2N-6E, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow for a mixed-use structure, a mobile home park, and a multiple-family dwelling in a Commercial District.

Staff recommended approval of Planned Unit Development Overlay / PU 22-17 with the following sixteen (16) conditions:

1. That the mobile home park has a maximum of seven mobile home spaces, one mixed-use structure, and one multiple family dwelling;
2. That an approved Floodplain Development Permit be obtained prior to any disturbance or placement of structures within the boundaries of the Special Flood Hazard Area or Floodway;
3. That this Planned Unit Development Overlay be amended prior to any expansion of uses or the addition of any single-wide mobile homes exceeding the maximum allowed spaces;
4. That the address (12350 W Highway 44) be clearly posted at the driveway so it is visible from both directions of travel on Highway 44, in accordance with Pennington County Ordinance #20;
5. That within 6 months the applicant works with Staff to assign addresses/lot numbers to all mobile homes, rental units, and the commercial office;
6. That within 6 months the applicant permanently finishes the partition wall separating the commercial office from the stick-built living quarters;
7. That within 6 months the applicant applies for a Building Permit for the recently finished space within the mixed-use structure and pays any associated penalty fees;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground;
9. That the multiple-family dwelling meet the requirements of Pennington County Zoning Ordinance (PCZO) § 303;
10. That all mobile homes meet the requirements of PCZO § 304;
11. That the mobile home park meets the requirements of PCZO § 305;

12. That no accessory structure, of any size, shall be used for sleeping, rental, living, vacation home rental, or the like without first amending this Planned Unit Development Overlay;
13. That the subject property remains free of debris and junk vehicles;
14. That the maximum number of people living on the subject property be limited to 24, unless the onsite wastewater treatment system (OSWTS) is upgraded, permitted, and approved by the State and County;
15. That State and County approval be required if any changes are made to the existing OSWTS, the system causes groundwater pollution, or wastewater from the system surfaces; and,
16. That this Planned Unit Development Overlay be reviewed in six (6) months, 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.

Discussion followed.

**Moved by Burton and seconded by Lewis to approve of Planned Unit Development Overlay / PU 22-17 with the following sixteen (16) conditions:**

- 1. That the mobile home park has a maximum of seven mobile home spaces, one mixed-use structure, and one multiple family dwelling;**
- 2. That an approved Floodplain Development Permit be obtained prior to any disturbance or placement of structures within the boundaries of the Special Flood Hazard Area or Floodway;**
- 3. That this Planned Unit Development Overlay be amended prior to any expansion of uses or the addition of any single-wide mobile homes exceeding the maximum allowed spaces;**
- 4. That the address (12350 W Highway 44) be clearly posted at the driveway so it is visible from both directions of travel on Highway 44, in accordance with Pennington County Ordinance #20;**
- 5. That within 6 months the applicant works with Staff to assign addresses/lot numbers to all mobile homes, rental units, and the commercial office;**
- 6. That within 6 months the applicant permanently finishes the partition wall separating the commercial office from the stick-built living quarters;**
- 7. That within 6 months the applicant applies for a Building Permit for the recently finished space within the mixed-use structure and pays any associated penalty fees;**

8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground;
9. That the multiple-family dwelling meet the requirements of Pennington County Zoning Ordinance (PCZO) § 303;
10. That all mobile homes meet the requirements of PCZO § 304;
11. That the mobile home park meets the requirements of PCZO § 305;
12. That no accessory structure, of any size, shall be used for sleeping, rental, living, vacation home rental, or the like without first amending this Planned Unit Development Overlay;
13. That the subject property remains free of debris and junk vehicles;
14. That the maximum number of people living on the subject property be limited to 24, unless the onsite wastewater treatment system (OSWTS) is upgraded, permitted, and approved by the State and County;
15. That State and County approval be required if any changes are made to the existing OSWTS, the system causes groundwater pollution, or wastewater from the system surfaces; and,
16. That this Planned Unit Development Overlay be reviewed in six (6) months, 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.

All voting aye, the Motion carried 6 to 0.

18. SECTION 319 VACATION HOME RENTAL – PROPOSED ORDINANCE AMENDMENT – TO SCHEDULE A SPECIAL MEETING.

Molitor discussed scheduling a Special Meeting to hear a proposed Ordinance Amendment for Section 319 Vacation Home Rental.

Discussion followed.

Moved by Johnson and seconded by Burton to schedule a Special Meeting on Wednesday, February 15, 2023, from 4 p.m. to 6 p.m., to hear an Ordinance Amendment for Section 319 Vacation Home Rental, with testimony being limited to 3 minutes and to allow time to be deferred to others, and documentation from the public to be submitted 24 hours prior to the scheduled meeting.

All voting aye, the Motion carried 6 to 0.

19. EXECUTIVE SESSION PER SDCL 1-25-2

A. Contractual/Pending Litigation per SDCL 1-25-2(3)

Moved by Burton and seconded by Lewis to go into Executive Session, pursuant to per SDCL 1-25-2(3), for the purpose of discussing contractual/pending litigation. All voting aye, the Motion carried 6 to 0. The Planning Commission remained in Executive Session from 12:10 p.m. to 12:18 p.m. Moved by Hadcock and seconded by Burton to come out of Executive Session. All voting aye, the Motion carried 6 to 0.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 12, 2022, meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for December 2022.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of Open Meeting Laws and public testimony.

Commissioner Burton discussed the Development Guide and recommended a Definition of Terms is added and further spoke of adding jurisdictions who do have authority in Pennington County, so the public is aware of who to contact.

24. ADJOURNMENT

**Moved by Burton and seconded by Hadcock to adjourn.**

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 12:24 p.m.**

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Charlie Johnson, Chairperson