

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 11, 2024 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 26, 2024, MINUTES
Moved by Burton and seconded by McGregor to approve the Minutes of the February 26, 2024, 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 March 11, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.
3. APPROVAL OF THE CONSENT AGENDA
Moved by Coleman and seconded by Burton to approve the Consent Agenda of the March 11, 2024, Planning Commission meeting, with the removal of Item #6. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 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.

To approve of Conditional Use Permit Review / CUR 22-19 with the following sixteen (16) 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 home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
10. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
11. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
12. That at least 1 off-street parking space be provided for the ADU;
13. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
14. That the applicants adhere to the attached comments from the U.S. Forest Service;
15. 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,
16. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 22-35**: Jeff and Leah Lick. To review living in a mobile home while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

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

To approve of Conditional Use Permit Review / CUR 22-35 with the following eight (8) conditions:

1. **That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;**
3. **That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);**
4. **That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
5. **That the applicant obtain a Removal Permit for the single-wide mobile home and that the single-wide mobile home be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
6. **That the applicant applies for an extension to the Building Permit for the single-family residence prior to its expiration of May 2, 2024;**
7. **That the subject property remains free of debris and junk vehicles; and,**
8. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CUR 23-38**: Peaceful Valley Hideaway; William and Valerie Landis. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-38 with the following eighteen (18) conditions:

1. That the basement rental ceases on April 30, 2024, and the main part of the house cannot be used as a Vacation Home Rental until May 15, 2024;
2. That the entire multi-family residence only be used as one rental; separate rentals of the main level and basement are prohibited;
3. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
4. 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;
5. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit file at the Pennington County Planning Department;
6. 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;
7. That each review of Conditional Use Permit / CU 23-38, be subject to PCZO Section 511(Q), which includes a \$100 fee per review;
8. 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;
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 five (5) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (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 updated and posted in accordance with the requirements of PCZO Section 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, per Section 319(G)(1)(n);

12. That the lot address (12987 Bogus Jim Road) be continually posted on the residence at all times and where the driveway meets Bogus Jim Road so it is clearly visible from both directions of travel on Bogus Jim Road in accordance with Pennington County Ordinance #20;
13. That the applicant ensure 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 J&J Hospitality, 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;
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 an approved Sign Permit be obtained prior to the placement of any sign(s);
17. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and;
18. That this Conditional Use Permit be reviewed at the May 13, 2024, Planning Commission meeting, 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.

8. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PUR 14-05:** Joni Peterson. To review the existing Trailwood Planned Unit Development to allow a home occupation, a salon business in the basement of the residence, on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 17, Block 21, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To end Minor Planned Unit Development Amendment Review / PUR 14-05, as the use is no longer needed.

Vote: unanimous 6 to 0.

9. **MINING PERMIT REVIEW / MP 23-01:** Western Construction. To review an aggregate mining operation in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

S1/2, Section 25, T3N, R14E, BHM, Pennington County, South Dakota.

To approve of Mining Permit Review / MP 23-01 with the following eleven (11) conditions:

- 1. That the conditions of approval of the South Dakota Department of Agriculture and Natural Resources Mine License be continually met;**
- 2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;**
- 3. That the site meets § 320(H) of the Pennington County Zoning Ordinance;**
- 4. That the applicants follow the reclamation plan that was submitted to the SD DANR to reclaim the site when work is completed;**
- 5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Agriculture and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
- 6. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;**
- 7. That an address be posted in accordance with Ordinance #20;**
- 8. That prior to operation the applicants obtain an approved approach permit from the Pennington County Highway Department;**
- 9. That prior to operation the applicants enter into a Haul Road Agreement with the Pennington County Highway Department and a dust control solution is approved by the Highway Superintendent must be applied in front of any residence between the mine site and Cedar Butte Road;**
- 10. The applicant must provide self-contained toilets on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations, including setbacks. The method and schedule of disposal of the solid waste, in compliance with State and local rules and regulations, must be provided by the applicant in writing; and,**
- 11. That this Mining Permit be reviewed in three (3) years from approval date, on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

6. CONDITIONAL USE PERMIT REVIEW / CUR 23-06: Black Hills Church of Christ. To review an illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot A, Varilek Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit Review / CUR 23-06 with six (6) conditions.

Discussion followed.

Moved by Lewis and seconded by Burton to approve of Conditional Use Permit Review / CUR 23-06 with the following six (6) conditions:

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

10. ROAD NAMING: Brian Barber. To name 4,225 feet of road in a proposed 66-foot-wide access and utility easement that provides access to properties located in Section 5, T2S, R9E, and in Section 32, T1S, R9E, BHM, Pennington County, South Dakota, to John Wayne Trail.

Rausch reviewed that the applicant has applied for a Road Naming to name a road John Wayne Trail.

Staff recommended approval of the road name of John Wayne Trail.

Discussion followed.

Moved by Burton and seconded by McGregor to approve the Road Naming of John Wayne Trail.

All voting aye, the Motion carried 6 to 0.

11. ROAD NAMING: Brian Barber. To name 1,300 feet of road then north for approximately 1,500 feet in a proposed 66-foot-wide access and utility easement that provides access to properties located in Section 5, T2S, R9E, and in Section 32, T1S, R9E, BHM, Pennington County, South Dakota, to Clint Eastwood Trail.

Rausch reviewed that the applicant has applied for a Road Naming to name a road Clint Eastwood Trail.

Staff recommended approval of the road name of Clint Eastwood Trail.

Discussion followed.

Moved by McGregor and seconded by Burton to approve the Road Naming of Clint Eastwood Trail.

All voting aye, the Motion carried 6 to 0.

12. REZONE / CORZ 24-0004: Lynn and Jodi Jensen. To rezone from Agriculture District to Ranchette District in accordance with the Pennington County Zoning Ordinance.

Those portions of the Nebraska Placer MS 676 lying East and West of Silver Creek Road and north of Rochford Road, Sections 13 and 24, T2N, R3E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Rezone / CORZ 24-0004.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Rezone / CORZ 24-0004.

All voting aye, the Motion carried 6 to 0.

13. PLANNED UNIT DEVELOPMENT OVERLAY / COPU 24-0001: Michael Vallone; Provallone, LLC. To allow a Specialty Resort on the subject property in a Highway Service District and Agriculture District in accordance with the Pennington County Zoning Ordinance.

PT NE1/4SE1/4 E of Highway, Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Specialty Resort on the subject property.

Staff recommended approval of Planned Unit Development Overlay / COPU 24-0001 with the following thirty-nine (39) conditions:

1. That the approved uses of the Specialty Resort include: 6 cabin rentals, 7 glamping sites (tents on permanent deck foundation), observation deck, caretaker's residence, bath house, playground, cooking area and a reunion/wedding/recreation venue;
2. That the property is rezoned entirely to Agriculture or Highway Service within 90 days of approval of this PUD Overlay District;
3. That the section line right-of-way be improved to Ordinance 14 Standards for the applicable zoning district;
4. That a turnaround is constructed at the end of the section line road in accordance with Ordinance 14 standards.
5. That a Road Construction within a Section Line Right-of-Way application be submitted and approved by the Board of Commissioners;
6. That a Right-of-Way Permit application be submitted and approved by the City of Rapid City for the portion of the section line located within city limits;
7. That prior to operation, the section line road be named and all addresses be posted on each structure so they are visible from the section line road;
8. That the applicants obtain an approved Approach Permit from the County Highway Department for any approaches taken off of the section line right-of-way;
9. That the applicants obtain an approved Approach Permit from the City of Rapid City for the section line right-of-way road taking access off of Sammis Trail;
10. That access for the caretaker's residence be taken off of the access easement located in the S. Highway 16 right-of-way and additional easement documentation be filed with the Register of Deeds for this access;
11. That the interior driveways not be officially named by the County and no traditional street name signs be allowed within the development;

12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
13. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
14. That all-natural drainage paths be continually maintained;
15. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
16. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
17. That each rental cabin and glamping site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
18. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
19. That all parking for the cabins and glamping sites follow Pennington County Zoning Ordinance (PCZO) § 310;
20. That the occupancy for the reunion/wedding/recreation venue be limited to 225 persons or the number of parking spaces at a 1:3 ratio, whichever is less;
21. That the reunion/wedding/recreation venue provide no less than 1 parking spaces per 3 persons of occupancy, the parking spaces be located within 200 feet of the venue and each parking space measure a minimum of 9 feet by 18 feet and be maintained in a dust-free manner;
22. That a parking plan be submitted for the reunion/wedding/recreation venue at the time of Building Permit submittal for the venue;
23. That the structure for the reunion/wedding/recreation venue meet all current International Building Code and National Fire Protection Association Codes and Standards for a Group A-2 Occupancy building. This may include, but is not limited to, the requirement for a fire sprinkler system, exits signs, and panic doors;
24. That the hours of operation, for the above-mentioned venue, shall be between 7:00 a.m. and 11:00 p.m. only and that quiet hours be from 11:00 p.m. to 7:00 a.m.;
25. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;

26. That prior to operation of the reunion/wedding/recreation venue, the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;
27. That quiet hours in the Specialty Resort be from 11:00 p.m. to 7:00 a.m.;
28. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
29. That any cabin rental within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
30. That a smoke detector be placed in each sleeping room utilized for a cabin rental, with a minimum of at least 1 smoke detector per floor;
31. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
32. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of each rental (includes glamping tents) so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
33. That the maximum number of people staying at any cabin rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
34. That the applicants comply with South Dakota Codified Law 34-18;
35. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the City of Rapid City and South Dakota Department of Agriculture and Natural Resources and must adhere to South Dakota Administrative Rules 74:53:01, at a minimum;
36. That setbacks for all structures shall comply with those required in the applicable zoning district;
37. That building plans for the venue be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
38. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
39. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Moved by Kuehn and seconded by Lewis to approve of Planned Unit Development Overlay / COPU 24-0001 with the following thirty-nine (39) conditions:

- 1. That the approved uses of the Specialty Resort include: 6 cabin rentals, 7 glamping sites (tents on permanent deck foundation), observation deck, caretaker's residence, bath house, playground, cooking area and a reunion/wedding/recreation venue;**
- 2. That the property is rezoned entirely to Agriculture or Highway Service within 90 days of approval of this PUD Overlay District;**
- 3. That the section line right-of-way be improved to Ordinance 14 Standards for the applicable zoning district;**
- 4. That a turnaround is constructed at the end of the section line road in accordance with Ordinance 14 standards.**
- 5. That a Road Construction within a Section Line Right-of-Way application be submitted and approved by the Board of Commissioners;**
- 6. That a Right-of-Way Permit application be submitted and approved by the City of Rapid City for the portion of the section line located within city limits;**
- 7. That prior to operation, the section line road be named and all addresses be posted on each structure so they are visible from the section line road;**
- 8. That the applicants obtain an approved Approach Permit from the County Highway Department for any approaches taken off of the section line right-of-way;**
- 9. That the applicants obtain an approved Approach Permit from the City of Rapid City for the section line right-of-way road taking access off of Sammis Trail;**
- 10. That access for the caretaker's residence be taken off of the access easement located in the S. Highway 16 right-of-way and additional easement documentation be filed with the Register of Deeds for this access;**
- 11. That the interior driveways not be officially named by the County and no traditional street name signs be allowed within the development;**
- 12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**

13. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
14. That all-natural drainage paths be continually maintained;
15. That the applicant obtains an approved Sign Permit prior to the placement of any on- or off-premise sign;
16. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
17. That each rental cabin and glamping site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
18. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
19. That all parking for the cabins and glamping sites follow Pennington County Zoning Ordinance (PCZO) § 310;
20. That the occupancy for the reunion/wedding/recreation venue be limited to 225 persons or the number of parking spaces at a 1:3 ratio, whichever is less;
21. That the reunion/wedding/recreation venue provide no less than 1 parking spaces per 3 persons of occupancy, the parking spaces be located within 200 feet of the venue and each parking space measure a minimum of 9 feet by 18 feet and be maintained in a dust-free manner;
22. That a parking plan be submitted for the reunion/wedding/recreation venue at the time of Building Permit submittal for the venue;
23. That the structure for the reunion/wedding/recreation venue meet all current International Building Code and National Fire Protection Association Codes and Standards for a Group A-2 Occupancy building. This may include, but is not limited to, the requirement for a fire sprinkler system, exits signs, and panic doors;
24. That the hours of operation, for the above-mentioned venue, shall be between 7:00 a.m. and 11:00 p.m. only and that quiet hours be from 11:00 p.m. to 7:00 a.m.;
25. That outdoor music be limited to only that which supports wedding ceremonies from 12 p.m. to 8 p.m., all other music must be indoors;
26. That prior to operation of the reunion/wedding/recreation venue, the applicant creates an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the structure at all times and a copy of said plan shall be submitted to the Planning Department;

27. That quiet hours in the Specialty Resort be from 11:00 p.m. to 7:00 a.m.;
28. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
29. That any cabin rental within the Specialty Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
30. That a smoke detector be placed in each sleeping room utilized for a cabin rental, with a minimum of at least 1 smoke detector per floor;
31. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
32. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of each rental (includes glamping tents) so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
33. That the maximum number of people staying at any cabin rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
34. That the applicants comply with South Dakota Codified Law 34-18;
35. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the City of Rapid City and South Dakota Department of Agriculture and Natural Resources and must adhere to South Dakota Administrative Rules 74:53:01, at a minimum;
36. That setbacks for all structures shall comply with those required in the applicable zoning district;
37. That building plans for the venue be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
38. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
39. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

14. MINOR PLAT / COMPL 24-0001: Adam and Sharon Holte Weaver; Sarah Tschetter – Agent. To subdivide and create Lots A and B of Lot 4 of Strato Rim Estates Subdivision.

EXISTING LEGAL: Lot 4, Strato Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Lot 4 of Strato Rim Estates Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lots A and B of Lot 4 of Strato Rim Estates Subdivision.

Staff recommended approval of Minor Plat / MPL24-0001 with the following four (4) conditions:

1. That at the time the mylar is filed with the Register of Deeds, 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 Kuehn and seconded by McGregor to approve of Minor Plat / MPL24-0001 with the following four (4) conditions:

- 1. That at the time the mylar is filed with the Register of Deeds, 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.

15. CONDITIONAL USE PERMIT / COCU 24-0005: Dan and Joan Pomeranke; Wade Reynolds – Agent. To allow a multiple-family dwelling on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SW1/4SE1/4NE1/4, Section 5, T2S, R9E, BHM, Pennington County, South Dakota.

(Continued from the February 26, 2024, Planning Commission meeting.)

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a multiple-family dwelling on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0005 with the following nine (9) conditions;

1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a minimum of 4 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-9-1;
3. That the applicant adheres to the requirement of PCZO § 303;
4. That the minimum setback requirements of Agriculture District be continually maintained on the property;
5. That addresses be assigned to the multi-family dwelling unit and be posted on the structure and at the end of the driveway where it intersects the access road, in accordance with Pennington County Ordinance #20;
6. That the applicant obtain an Approach Permit prior to applying for a Building Permit;
7. That the road sign for John Wayne Trail be posted and the road improved to Ordinance 14 Standards prior to applying for a Building Permit;
8. That when applying for the Building Permit, the applicant provide a site plan showing the minimum private recreation area required by PCZO § 303; and,
9. That this Conditional Use Permit be reviewed in 6 months, 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 / COCU 24-0005 with the following nine (9) conditions;

- 1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That a minimum of 4 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-9-1;**
- 3. That the applicant adheres to the requirement of PCZO § 303;**
- 4. That the minimum setback requirements of Agriculture District be continually maintained on the property;**
- 5. That addresses be assigned to the multi-family dwelling unit and be posted on the structure and at the end of the driveway where it intersects the access road, in accordance with Pennington County Ordinance #20;**
- 6. That the applicant obtain an Approach Permit prior to applying for a Building Permit;**
- 7. That the road sign for John Wayne Trail be posted and the road improved to Ordinance 14 Standards prior to applying for a Building Permit;**
- 8. That when applying for the Building Permit, the applicant provide a site plan showing the minimum private recreation area required by PCZO § 303; and,**
- 9. That this Conditional Use Permit be reviewed in 6 months, 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 / COCU 24-0003: Sam Crittenden. To allow a contractor's equipment storage yard on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

The S1/2SW1/4, SE1/4, Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 26, 2024, Planning Commission meeting.)

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a contractor's equipment storage yard.

Staff recommended denial of Conditional Use Permit / COCU 24-0003, as the requested use is better suited for an Industrial Zoning District.

Commissioner Burton left the meeting at 9:43 a.m.
Commissioner Burton returned to the meeting at 9:45 a.m.

Discussion followed.

Moved by Lewis and seconded by Burton to deny Conditional Use Permit / COCU 24-003, as the requested use is better suited for an Industrial Zoning District.

All voting aye, the Motion carried 6 to 0.

17. EXECUTIVE SESSION.

Executive Session was not needed.

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 26, 2024, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

There were no items from the public.

20. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for February 2024.

21. ITEMS FROM THE MEMBERSHIP

Commissioner Lewis spoke of Section 319 – Vacation Home Rental and the proposed Ordinance Amendment.

22. ADJOURNMENT

Moved by McGregor and seconded by Burton to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:28 a.m.

Charlie Johnson, Chairperson