

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 8, 2023 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE APRIL 24, 2023, MINUTES
Moved by McGregor and seconded by Coleman to approve the Minutes of the April 24, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lewis and seconded by McGregor to approve the Agenda of the May 8, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Burton and seconded by Lewis to approve the Consent Agenda of the May 8, 2023, Planning Commission meeting, with the removal of Items #3 and #4. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

5. CONDITIONAL USE PERMIT REVIEW / CU 12-27: Mike Dressler. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4R (also in Section 13), Block 3, Alpine Acres Meadow, Section 14, T2N, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 12-27 with the following ten (10) conditions:

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

2. That if the person designated as the Local Contact is ever changed from Todd Dressler, the interior informational sign be updated and the applicant notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
3. 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;
4. 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;
5. That a minimum of one off-street parking space per bedroom 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;
6. That the lot address (22521 Deer Meadow Drive) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Whitetail Drive, in accordance with Pennington County Ordinance #20;
7. 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;
8. 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;
9. 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,
10. That this Conditional Use Permit be reviewed in two years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-23**: Harlan and Carol Hoffman. To review a Recreational Vehicle to be used as temporary living quarters during the summer months on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract 6, Slate Creek Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-23, as it is no longer needed.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-44**: Alicen and Nicholas Dupont. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1R of Lots 7 and 8, Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-44, as the new owner has obtained a new Conditional Use Permit for a Vacation Home Rental.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-01**: Ron Weifenbach. To review seasonal retail sales of Class C fireworks in a Commercial District in accordance with the Pennington County Zoning Ordinance.

All, Block 8, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

1. **That the proposed use be limited to seasonal retail sales of Class C fireworks;**
2. **That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28th to January 1st of each year from the hours of 7 a.m. to 12 a.m.;**
3. **That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;**
4. **That a minimum of 1 port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;**

5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtains all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,
10. That this Conditional Use Permit be reviewed at the second Planning Commission meeting in May of 2024 to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 19-04:** Michael and Soraya Pellan. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 6 Revised, Block D, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-04 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(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 Conditional Use Permit (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 § 511(Q), 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 three (3) 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 be continually posted on the residence at all times and so it is clearly visible from 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 Patrick Coupens, 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.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 19-22:** Michael and Soraya Pellan. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-22 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(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 § 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 three (3) 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 be continually posted on the residence at all times and so it is clearly visible, 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 Patrick Coupens, 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.

Vote: unanimous 7 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 21-18:** Lowell Kolb. To allow a temporary campground/assembly of people on the subject property during the month of July in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SW1/4NE1/4 Less E200 feet of N947 feet of E1/2SW1/4NE1/4 and Less S373 feet of SE1/4SW1/4NE1/4, Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-18 with the following sixteen (16) conditions:

1. **That the temporary campground/assembly of people only operates for a total of four days in the month of July;**
2. **That the temporary campground/assembly of people be operational from 4 p.m. Friday to Noon on Tuesday,**
3. **That the property be kept free of trash and debris during the temporary camp;**
4. **That quiet hours be from 10 p.m. to 7 a.m.;**
5. **That the camp operates the July 7 through July 11, 2023;**
6. **That the maximum total occupancy of the temporary campground be limited to 75 persons;**
7. **That the camp be limited to 8 RVs and 8 tent sites;**
8. **The the Onsite Waste Water Treatment System is pumped prior to the start of the camp and on the second or third day of the camp as determined by the Department of Agriculture and Natural Resources;**
9. **That one port-a-pottie be placed on the property for the duration of the camp;**
10. **That a minimum of one fire extinguisher with a minimum rating of 4A; 60BC (#10) fire extinguisher be accessible to all guests at all times;**
11. **That a minimum of one first aid kit be accessible to the public at all times;**
12. **That the temporary camp abides by all state and federal fire regulations;**
13. **That parking be adhered to as depicted in the site plan submitted by the applicant;**
14. **That at least one operational phone be accessible to all campers;**

15. That the camp continually complies with Section 314 of the Pennington County Zoning Ordinance; and,
16. That this Conditional Use Permit be reviewed in May 2024, or on a complaint basis.

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 21-23:** Mark Erickson. To review a Specialty Resort in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot A of Lot 4, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-23 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DANR approval, continue to be limited to eighteen (18) people (total includes the main residence and the bunk house);
2. That if an addition is constructed 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 SD DANR;
3. 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;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant maintains current licenses with the South Dakota Department of Health (Specialty Resort License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
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 and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of 5 off-street parking spaces be provided on-site 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 at the main residence and the bunk house, with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Specialty Resort;
9. That the main residence's address (13599 Highway 40) and the bunk house's address (13601 Highway 40) be posted on each structure at all times and at the driveway at the intersection of Highway 40, in accordance with Pennington County's Ordinance #20;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:05, which regulates Specialty Resorts;
11. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
12. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;
13. That a color map illustrating where the Special Flood Hazard Area is located on the property, as determined by the Federal Emergency Management Agency (FEMA), be posted during operation of the Specialty Resort;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in 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.

Vote: unanimous 7 to 0.

13. **CONDITIONAL USE PERMIT REVIEW / CU 21-29:** James and Janice Beld. To review a Recreational Vehicle to be utilized as temporary living quarters on the subject property for less than 180 days per calendar year in a Ranchette Residential District in accordance with the Pennington County Zoning Ordinance.

SE1/4NE1/4, Section 18, T1S, R3E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 21-29, as it is no longer needed.

Vote: unanimous 7 to 0.

14. **CONDITIONAL USE PERMIT REVIEW / CU 21-57:** Kevin and DiAnn Killion. To review two primitive seasonal cabins to be used as bunkhouses on the subject property for no more than 180 days each calendar year in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

That Part of NE1/4SW1/4NE1/4 lying North of Rochford Road, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

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

To approve the extension of Conditional Use Permit / CU 21-57 with the following five (5) conditions:

1. **That the rental or lease of the bunkhouses or the use of the bunkhouses as a permanent residence or a second single-family residence on the premises is prohibited;**
2. **That the bunkhouses shall not be used for more than 180 days per calendar year;**
3. **That an address continue to be posted on each bunkhouse so they are clearly visible, in accordance with Pennington County Ordinance #20;**
4. **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,**
5. **That this Conditional Use Permit be reviewed in two years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

15. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-03:** LakOrr, LLC; Phillip Lakner. To review a gunsmithing business as a home occupation on the subject property in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Tract 2, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Minor Planned Unit Development Amendment / PU 20-03 with the following fourteen (14) conditions:

1. **That the Conditions of Approval of the Rushmore Ranch Planned Unit Development / PU 02-05 be adhered to at all times;**

2. That the proposed Home Occupation be located entirely within the existing 32' x 36' equipment building and that the residential character of the property continually be maintained;
3. That one (1) sign be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance;
4. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Federal, State and Local requirements;
5. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request during subsequent Planned Unit Development Amendment reviews. This includes, but is not limited to, a Federal Firearms License;
6. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations and there be no break. If a break in compliance occurs, PU 20-03 will be placed on a Planning Commission Agenda for review;
7. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
8. That an address for the subject property continually be posted in accordance with Pennington County's Ordinance #20;
9. That the business shall be operated by members of the family residing at the residence to include no more than one (1) additional employee;
10. That there be a minimum of two (2) off-street parking spaces available at all times;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
12. That no business retail sales be allowed at the subject property;
13. That the property remain free of debris and junk vehicles; and,
14. That Minor Planned Unit Development Amendment / PU 20-03 be reviewed in five (5) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

3. CONDITIONAL USE PERMIT REVIEW / CU 10-09: Leonard Haberstroh; Jeff Haberstroh – Agent. To review a caretaker’s residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

All HES #313, Section 1, T2S, R6E, 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 10-09 with the following five (5) conditions:

1. That the addresses for both the primary residence (13515 Deadman Gulch Road) and the caretaker’s residence (13513 Deadman Gulch Road) continue to be posted in accordance with Ordinance #20 so that they are visible from Deadman Gulch Road and S. Rockerville Road;
2. That the caretaker’s residence be removed from the property once care is no longer needed for Mr. Haberstroh or the property be subdivided to create a separate lot for the caretaker’s residence;
3. That an affidavit be signed for each review by the applicant as the caretaker’s residence is to be utilized on the property for the care of Mr. Haberstroh rather than Mrs. Haberstroh;
4. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director; and,
5. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lewis and seconded by McGregor to approve the extension of Conditional Use Permit / CU 10-09 with the following five (5) conditions:

- 1. That the addresses for both the primary residence (13515 Deadman Gulch Road) and the caretaker’s residence (13513 Deadman Gulch Road) continue to be posted in accordance with Ordinance #20 so that they are visible from Deadman Gulch Road and S. Rockerville Road;**
- 2. That the caretaker’s residence be removed from the property once care is no longer needed for Mr. Haberstroh or the property be subdivided to create a separate lot for the caretaker’s residence;**

3. That an affidavit be signed for each review by the applicant as the caretaker's residence is to be utilized on the property for the care of Mr. Haberstroh rather than Mrs. Haberstroh;
4. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director; and,
5. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. CONDITIONAL USE PERMIT REVIEW / CU 12-15: Kari Fruechte-O'Neill. To review a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Commissioner McGregor asked to have this item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 12-15 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to five (5) people;
2. That a minimum of three (3) off-street parking spaces continue to be provided and each parking space shall not be less than 162 square feet, nor less than nine feet (9) by eighteen feet (18), surfaced with gravel, concrete or asphalt, and maintained in a dust free manner;
3. That the address (23105 Pactola Drive) continues to be properly posted on both the residence and at the approach so it is visible in both directions of travel along Pactola Drive, in accordance with Pennington County's Ordinance #20;
4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicant maintains all the necessary permits and/or licenses from the State pertaining to the use of the Vacation Home Rental and that copies of these licenses be provided to the Planning Department each year;

6. That the applicant continually complies with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That if an addition is constructed and/or the on-site wastewater treatment system is upgrade in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
8. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
9. That if the person designated as the Local Contact is ever changed from Rachel Kale, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
10. 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;
11. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
12. 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;
13. 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 restrictions, as pertaining to the use of a fire pit;
14. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s); and,
15. 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.

Discussion followed.

Moved by McGregor and seconded by Kuehn to approve the extension of Conditional Use Permit / CU 12-15, and amend the language in Condition #1, with the following fifteen (15) conditions

- 1. That the maximum overnight occupancy, based on SD DANR approval, be limited to five (5) people and the maximum daytime occupancy be limited to five (5) additional people;**
- 2. That a minimum of three (3) off-street parking spaces continue to be provided and each parking space shall not be less than 162 square feet, nor less than nine feet (9) by eighteen feet (18), surfaced with gravel, concrete or asphalt, and maintained in a dust free manner;**
- 3. That the address (23105 Pactola Drive) continues to be properly posted on both the residence and at the approach so it is visible in both directions of travel along Pactola Drive, in accordance with Pennington County's Ordinance #20;**
- 4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;**
- 5. That the applicant maintains all the necessary permits and/or licenses from the State pertaining to the use of the Vacation Home Rental and that copies of these licenses be provided to the Planning Department each year;**
- 6. That the applicant continually complies with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;**
- 7. That if an addition is constructed and/or the on-site wastewater treatment system is upgrade in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
- 8. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 9. That if the person designated as the Local Contact is ever changed from Rachel Kale, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;**
- 10. 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;**
- 11. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;**

12. **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;**
13. **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 restrictions, as pertaining to the use of a fire pit;**
14. **That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s); and,**
15. **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 7 to 0.

16. CONDITIONAL USE PERMIT / CU 23-12: Reece and Jaden Chambers. To allow a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3, Block 1, Alpine Acres Meadow, Section 13, T2N, R4E, BHM, Pennington County, South Dakota.

Talmage 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 23-12 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR), be limited to six people and the maximum daytime occupancy be limited to twelve 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 SD DANR;
3. That the 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;
4. 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;

5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of one off-street parking space per bedroom 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 (12311 Whitetail Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Whitetail Road, 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 Executive Lodging of the Black Hills by Vacasa, 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;
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 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 Kuehn and seconded by LaCroix to approve of Conditional Use Permit / CU 23-12 with the following fifteen (15) conditions:

- 1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR), be limited to six people and the maximum daytime occupancy be limited to twelve 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 SD DANR;**
- 3. That the 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;**
- 4. 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;**
- 5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;**
- 7. That a minimum of one off-street parking space per bedroom 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 (12311 Whitetail Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Whitetail Road, 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 Executive Lodging of the Black Hills by Vacasa, 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;
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 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

17. CONDITIONAL USE PERMIT / CU 23-13: Neil and Terry Foust. To live in the existing residence while building a single-family residence in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1R (also in Section 7), Block 3, Paha Sapa High Country Tract 2, Section 18, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in the existing residence, while building a new single-family residence on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-13 with the following seven (7) conditions:

1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address is clearly posted on the single-family 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 existing living quarters and kitchen be removed from the existing residence once the proposed residence is habitable or at the expiration of the Building Permit for the proposed residence, whichever comes first;
6. That the subject property remains free of debris and junk vehicles; and,
7. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lewis and seconded by Coleman to approve of Conditional Use Permit / CU 23-13 with the following seven (7) conditions:

- 1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the address is clearly posted on the single-family 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 existing living quarters and kitchen be removed from the existing residence once the proposed residence is habitable or at the expiration of the Building Permit for the proposed residence, whichever comes first;**
- 6. That the subject property remains free of debris and junk vehicles; and,**
- 7. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

18. CONDITIONAL USE PERMIT / CU 23-14: Bituminous Paving. To allow a temporary asphalt batch plant on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

GL 1-4 Less Part of GL 1 North of RR ROW; SE1/4NW1/4; SE1/4SW1/4, Section 16, T2S, R12E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a temporary asphalt batch plant on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-14 with the following sixteen (16) conditions:

1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
2. That an approved temporary 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;
3. That any structure that remains after this CUP ends will require a permanent Building Permit.
4. That a temporary address be assigned to the Contractor's Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
5. That all access to the temporary asphalt batch plant be via the existing private approach off of Creston Road;
6. That the applicants obtain an approved Approach Permit from County Highway;
7. That the applicants enter in a Haul Road Agreement with County Highway prior to operation;
8. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
9. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
10. That the applicants obtain an approved Stormwater Permit prior to operation;

11. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free.
12. That the disturbed areas be re-vegetated as required in § 507(N);
13. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
14. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
15. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
16. That this Conditional Use Permit be reviewed in six (6) months, or on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by LaCroix and seconded by Burton to approve of Conditional Use Permit / CU 23-14 with the following sixteen (16) conditions:

- 1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;**
- 2. That an approved temporary 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;**
- 3. That any structure that remains after this CUP ends will require a permanent Building Permit.**
- 4. That a temporary address be assigned to the Contractor's Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;**
- 5. That all access to the temporary asphalt batch plant be via the existing private approach off of Creston Road;**
- 6. That the applicants obtain an approved Approach Permit from County Highway;**

7. That the applicants enter in a Haul Road Agreement with Count Highway prior to operation;
8. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
9. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
10. That the applicants obtain an approved Stormwater Permit prior to operation;
11. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free.
12. That the disturbed areas be re-vegetated as required in § 507(N);
13. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
14. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
15. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
16. That this Conditional Use Permit be reviewed in six (6) months, or on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

19. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-04: Limestone Creek Ranch, LLC; Thomas Stowers - Owner. To allow a Planned Unit Development Overlay for a Specialty Resort in accordance with the Pennington County Zoning Ordinance.

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

Sack reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Specialty Resort.

Staff recommended approval of the withdrawal of Planned Unit Development / PU 23-04.

Discussion followed.

Moved by Burton and seconded by McGregor to approve the withdrawal of Planned Unit Development Overlay / PU 23-04.

All voting aye, the Motion carried 7 to 0.

20. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-05: ANCO Developments, LLC. To amend an existing Planned Unit Development to allow a Telecommunications Tower in the Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Lot 7, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

Talmage reviewed reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to allow a Telecommunications Tower in the Planned Unit Development.

Commissioner LaCroix left the meeting at 9:47 a.m.

Commisioner LaCroix returned to the meeting at 9:48 a.m.

Staff recommended approval of Major Planned Unit Development Amendment / PU 23-05 with the following six (6) conditions:

1. The Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
2. That each cabin site have a minimum of (2) two off-street parking spaces, each measuring at least 9 feet by 18 feet and that they are kept in a dust free manner;
3. That prior to County Board approval, the existing and proposed use of the sewage system shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources. If the existing system will not support the increased use, the system must be upgraded as necessary. Plan and specifications

for any work on sewage lagoons must be submitted to the South Dakota Department of Environment and Natural Resources for review and approval prior to approval by this office;

4. That the minimum setback of twenty-five (25) feet from any property line be provided for all new cabins; and,
5. That one (1) Telecommunications Tower be allowed in the Planned Unit Development.
6. That this Major Planned Unit Development Amendment 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 Lewis and seconded by LaCroix to approve of Major Planned Unit Development Amendment / PU 23-05 with the following six (6) conditions:

- 1. The Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;**
- 2. That each cabin site have a minimum of (2) two off-street parking spaces, each measuring at least 9 feet by 18 feet and that they are kept in a dust free manner;**
- 3. That prior to County Board approval, the existing and proposed use of the sewage system shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources. If the existing system will not support the increased use, the system must be upgraded as necessary. Plan and specifications for any work on sewage lagoons must be submitted to the South Dakota Department of Environment and Natural Resources for review and approval prior to approval by this office;**
- 4. That the minimum setback of twenty-five (25) feet from any property line be provided for all new cabins; and,**
- 5. That one (1) Telecommunications Tower be allowed in the Planned Unit Development.**
- 6. That this Major Planned Unit Development Amendment 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 7 to 0.

21. ORDINANCE AMENDMENT / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Pennington County Zoning Ordinance.

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

This is a proposed Ordinance Amendment to amend Section 319 Vacation Home Rental.

Moved by McGregor and seconded by Lewis to approve the discussion of one acre (1) lot size requirement and parking requirements. All voting aye, the Motion carried 7 to 0.

Discussion followed.

Moved by Lewis and seconded by Coleman to approve the existing one (1) acre lot size requirement.

SUBSTITUTE MOTION: Moved by McGregor and seconded by Lewis that lot sizes one acre and above in size apply for a Special Use Permit for a Vacation Home Rental and any lot less than one acre in size apply for a Conditional Use Permit for a Vacation Home Rental.

Moved by Burton to postpone the discussion of the one (1) acre lot size requirement until discussion of density for Vacation Home Rentals has been agreed upon. Motion dies for lack of a second.

Roll Call Vote on Substitute Motion: Substitute Motion failed 3 to 4. Commissioners Lewis, McGregor, and Johnson voted yes. Commissioners Kuehn, LaCroix, Burton, and Coleman voted no.

Moved by Burton to postpone discussion of the one (1) acre lot size requirement until density has been approved. Motion dies for lack of a second.

Commissioner Burton left the meeting at 10:55 a.m.

Moved by Kuehn and seconded by LaCroix to remove the one (1) acre lot size requirement.

Roll Call Vote: Motion tied 3 to 3. Commissioners Kuehn, LaCroix, and McGregor voted yes. Commissioners Lewis, Coleman, and Johnson voted no.

Moved by LaCroix and seconded by Kuehn that lot sizes one acre and above in size apply for a Special Use Permit for a Vacation Home Rental and any lot less than one acre in size apply for a Conditional Use Permit for a Vacation Home Rental. All voting aye, the Motion carried 6 to 0.

The Planning Commission took a ten minutes recess.

Moved by Lewis and seconded by McGregor to approve the parking requirements of E(4)(a)(c)(d) for Special Permitted Uses (with the prior minutes removing E(4)(b)). All voting aye, the Motion carried 6 to 0.

Moved by Coleman and seconded by Kuehn to postpone the discussion of density to the May 22, 2023, Planning Commission meeting. All voting aye, the Motion carried 6 to 0.

Moved by McGregor and seconded by Coleman to postpone discussion of liability insurance, local contacts, interior signage, safety, and quiet hours to the May 22, 2022, Planning Commission meeting, and then proceed with discussion of the proposed Ordinance in its entirety. All voting aye, the Motion carried 6 to 0.

Moved by McGregor and seconded by Kuehn to continue Ordinance Amendment / OA 23-01 to the May 22, 2023, Planning Commission meeting. All voting aye, the Motion carried 6 to 0.

22. COUNTY BOARD REPORT

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

23. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

24. ITEMS FROM THE STAFF

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

25. ITEMS FROM THE MEMBERSHIP

Chairman Johnson thanked everyone for the discussion at the meeting today.

26. ADJOURNMENT

Moved by Coleman and seconded by McGregor to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 12:05 p.m.

Charlie Johnson, Chairperson