

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 10, 2024 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Mikal Lewis, Kevin Kuehn, and Ron Rossknecht.

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

ROLL CALL

1. APPROVAL OF THE MAY 28, 2024, MINUTES
Moved by McGregor and seconded by Kuehn to approve the Minutes of the May 28, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.
2. APPROVAL OF THE AGENDA
Moved by Kuehn and seconded by Lewis to approve the Agenda of the June 10, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.
3. APPROVAL OF THE CONSENT AGENDA
Moved by Kuehn and seconded by McGregor to approve the Consent Agenda of the June 10, 2024, Planning Commission meeting. Vote: unanimous 5 to 0.

CONSENT AGENDA

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

4. **CONDITIONAL USE PERMIT REVIEW / CUR 08-07:** Marilyn Welch. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 37, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit Review / CUR 08-07, as the use is no longer needed.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 14-19:** Mark and Norma Broin. To review an accessory structure (shed/garage) prior to a primary structure in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract B of Lot 1 of NW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit Review / CUR 14-19 to the July 8, 2024, Planning Commission meeting to allow staff time to contact the new owners.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 14-30:** Cherie Farlee. To review a single-wide manufactured home to be used as a Caregiver's Residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

The NE1/4SW1/4 less RC Airport #4 and less Right-of-Way, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 14-30 with the following five (5) conditions:

1. **That the addresses for both the single-family residence and the Caregiver's Residence continue to be posted on each residence in accordance with Ordinance #20 and so that they are visible from Hidden Springs Road;**
2. **That the Caregiver's Residence be removed from the property or the property is subdivided in order for each residential structure to be located on its own lot; once care is no longer needed for Cherie Farlee;**
3. **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;**
4. **That the property continues to be kept free of junk and debris; 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 and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CUR 16-28:** Chace and Leslie Larsen. To review a Recreation Resort Area in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Midway Fraction Lode MS 2014 (also in Section 28), Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit Review / CUR 16-28, as the property owner obtained approval of Planned Unit Development Overlay / PU 21-20.

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CUR 17-05**: Delmar and Melissa Nelson. To review a Vacation Home Rental on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot C of Lot 7 of Lot G of Lot 2, Reno Placer MS 823, Section 2, T2S, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 17-05 with the following eighteen (18) conditions:

1. **That the maximum overnight occupancy, based on SD DANR approval, continue to be limited to 4 overnight guests and the maximum daytime occupancy be limited to 8 guests, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
2. **That the Vacation Home Rental (VHR) continue to operate only during the months of May through October of each year, unless a Local Contact that resides within 50 miles of the VHR year-round is designated;**
3. **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;**
4. **That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
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 applicants continually maintain 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;**
8. **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;**
9. **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;**
10. **That a minimum of 2 off-street parking spaces continue to 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;**

11. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 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. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
12. That the lot address (12265 Reno Gulch Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Reno Gulch Road, in accordance with Pennington County's Ordinance #20;
13. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
14. That each review of Conditional Use Permit / CU 17-05, be subject to PCZO Section 511(Q), which includes a \$100 fee per review;
15. That if the person designated as the Local Contact is ever changed from Delmar Nelson, 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;
16. 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;
17. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
18. 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,
19. That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CUR 23-18:** West River Electric Association, Inc.; Ron Williams - Agent. To review an electrical substation on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract 1, Whiting Subdivision, Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-18 with the following nine (9) conditions:

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

Vote: unanimous 5 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CUR 23-21:** Trinity Trust; Jeff Hoover - Agent. To review living in an existing garage/shop building while remodeling an existing single-family residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 8, Block 3, Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-21 with the following ten (10) 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 continue to be 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 one (1) residential structure (i.e. single-family residence or living quarters);
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the living quarters be removed from the shop building once the existing residence is habitable or at the expiration of the Building Permit for the proposed remodel, whichever comes first;
6. That all necessary permits be obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
7. That an On-Site Wastewater Treatment System Operating License be obtained;
8. That a Building Permit be obtained for the remodel of the existing single-family residence as required;
9. That the subject property remains free of debris and junk vehicles; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

11. **PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PUR 21-20:** Chace and Leslie Larsen. To review a Planned Unit Development Overlay to allow a Specialty Resort to include five rental cabins, a shop building, an office/laundry facility, and the existing single-family residence to be used as the caretaker's/manager's residence in accordance with the Pennington County Zoning Ordinance.

Midway Fraction Lode MS 2014 (also in Section 28), Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Planned Unit Development Overlay Review / PUR 21-20 with the following nineteen (19) conditions.

1. That the approved uses of the Specialty Resort include: five (5) seasonal

rental cabins, a shop building, an office/laundry facility, and the existing single-family residence to be used as the manager's residence;

2. That the rental cabins operate from May through August of each year;
3. That the unit number assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way, in accordance with Pennington County's Ordinance #20;
4. That the address for the main house (23935 Pink Cabin Road) continue to be posted on the residence and so that it is visible from both directions of travel on Pink Cabin Road, in accordance to Pennington County's Ordinance #20;
5. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310, which requires one (1) parking space per guest bedroom for each cabin;
6. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of § 312 of the PCZO;
7. That the applicant maintains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
8. 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 continue to be kept on file at the Planning Department;
9. That the property remains free of debris and junk vehicles and all structures be well-maintained;
10. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
11. 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;
12. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;

14. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
15. That no trespassing signs continue to be posted along the west property line boundary to notify any guests to not cross into the neighbors' adjoining property;
16. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
17. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
18. That quiet hours for the Recreation Resort be between 10 p.m. and 8 a.m.; and,
19. That this Planned Unit Development Overlay be reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

12. CONDITIONAL USE PERMIT / COCU 24-0016: Tom and Michelle Skoog. To allow an Accessory Dwelling Unit to be located in an existing detached garage on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 1 of Lot C, Anaconda Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

Phillip review the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an Accessory Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0016 with the following fourteen (14) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
3. That the ADU has a residential appearance;

4. That a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with S. Highway 16, so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);
6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
7. 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;
8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
10. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
11. That at least one (1) off-street parking space be provided for the ADU;
12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
13. 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,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, Pennington County Planning Commission, or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Conditional Use Permit / COCU 24-0016 with the following fourteen (14) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 3. That the ADU has a residential appearance;**
- 4. That a separate address be assigned to the ADU and that it be posted on the residence and at the end of the driveway where it intersects with S. Highway**

- 16, so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO);
 6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
 7. 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;
 8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
 9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
 10. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
 11. That at least one (1) off-street parking space be provided for the ADU;
 12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
 13. 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,
 14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, Pennington County Planning Commission, or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

13. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / COPU 24-0005: Darroll Hopkins. A special consideration to PUD 79-02 to reduce the rear yard setback from 25 feet to 8 feet to allow for the construction of a garage in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 8, Block 20, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota..

Rausch reviewed the Staff Report indicating the applicant has applied for a Special Consideration to the Trailwood Village Planned Unit Development to reduce the rear yard setback for construction of a garage.

Staff recommended approval of Special Consideration of the Trailwood Village Planned Unit Development / COPU 24-0005 with the following four (4) conditions:

1. That the Conditions of Approval of PU 05-19 be continually adhered to;
2. That the rear yard setback be reduced from 25 feet to 8 feet and only apply to the proposed detached garage on Lot 8, Block 20 of Trailwood Village Subdivision;
3. That all other structures must maintain the setback requirements or obtain approval of a separate Planned Unit Development Special Consideration;
4. That this Planned Unit Development be reviewed on a complaint basis only.

Discussion followed.

Moved by Rossknecht and seconded by Lewis to approve of Special Consideration of the Trailwood Village Planned Unit Development / COPU 24-0005 with the following four (4) conditions:

- 1. That the Conditions of Approval of PU 05-19 be continually adhered to;**
- 2. That the rear yard setback be reduced from 25 feet to 8 feet and only apply to the proposed detached garage on Lot 8, Block 20 of Trailwood Village Subdivision;**
- 3. That all other structures must maintain the setback requirements or obtain approval of a separate Planned Unit Development Special Consideration;**
- 4. That this Planned Unit Development be reviewed on a complaint basis only.**

All voting, the Motion carried 4 to 1. Commissioners, Johnson, Lewis, Rossknecht and Kuehn voted yes. Commissioner McGregor voted no.

14. VACATION OF PLAT / COVPL 24-0005: Dean and Alison Maltese. To vacate plat notes #7, #8, #9, #13, and #14 for Lot 3, Block 3, Mountain Meadows Subdivision in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 3, Block 3, Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Vacation of Plat to vacate notes on the plat.

Staff recommended approval of Vacation of Plat / COVPL 24-0005 with the following two (2) conditions:

1. That notes #7, #9, #13, and #14 be vacated for only Lot 3, Block 3, of Mountain Meadows Subdivision; and,

2. That all necessary resolutions for Vacation of Plat / COVPL 24-0003 be recorded by the applicant at the Register of Deeds office.

Discussion followed.

Moved by Lewis and seconded by Rossknecht to approve of Vacation of Plat / COVPL 24-0005 with the following two (2) conditions:

1. That notes #7, #9, #13, and #14 be vacated for only Lot 3, Block 3, of Mountain Meadows Subdivision; and,
2. That all necessary resolutions for Vacation of Plat / COVPL 24-0003 be recorded by the applicant at the Register of Deeds office.

All voting aye, the Motion carried 5 to 0.

15. LOT LINE ADJUSTMENT PLAN / COLAPL 24-0002: To subdivide and create Tract 36AR and Tract 38R of Rushmore Ranch Estates Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 36A and Tract 38, Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 36AR and Tract 38R, Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Lot Line Adjustment Plat to subdivide and create Tract 36AR and Tract 38R of Rushmore Ranch Estates Subdivision.

Staff recommended approval of Lot Line Adjustment Plan / COLAPL 24-0002 with the following two (2) conditions:

1. That prior to filing the mylar with 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.
2. That prior to filing the mylar with Register of Deeds, the certificates be in accordance with § 1701 and §1703 of the Pennington County Subdivision Regulations.

Discussion followed.

Moved by McGregor and seconded by Rossknecht to approve of Lot Line Adjustment Plan / COLAPL 24-0002 with the following two (2) conditions:

1. That prior to filing the mylar with 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.

- 2. That prior to filing the mylar with Register of Deeds, the certificates be in accordance with § 1701 and §1703 of the Pennington County Subdivision Regulations.**

All voting aye, the Motion carried 5 to 0.

16. CONDITIONAL USE PERMIT / COCU 24-0013: Jeff DeVeny. To allow a tattoo shop to be located on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

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

(Continued from the May 28, 2024, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the item was continued from the May 28, 2024, Planning Commission meeting.

Staff recommended approval of Conditional Use Permit / COCU 24-0013 with the following ten (10) conditions:

1. That the uses be limited to a tattoo shop with six tattoo stations and one piercing station and be operated and maintained in a manner that is consistent with this Conditional Use Permit;
2. That the tattoo shop is subject to annual inspections by the County Ordinance Enforcement Officer and must meet the minimum requirements of the Pennington County Tattoo Establishment Inspection Checklist;
3. That all assigned addresses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
4. That access to the site be only from the approved South Dakota Department of Transportation (SD DOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;
5. That the On-site Wastewater Treatment System comply with PCZO and SD Department of Agriculture and Natural Resources requirements (SD DANR);
6. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
7. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a Sales Tax License from the South Dakota Department of Revenue;

8. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;
9. 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,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Conditional Use Permit / COCU 24-0013 with the following ten (10) conditions:

- 1. That the uses be limited to a tattoo shop with six tattoo stations and one piercing station and be operated and maintained in a manner that is consistent with this Conditional Use Permit;**
- 2. That the tattoo shop is subject to annual inspections by the County Ordinance Enforcement Officer and must meet the minimum requirements of the Pennington County Tattoo Establishment Inspection Checklist;**
- 3. That all assigned addresses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 4. That access to the site be only from the approved South Dakota Department of Transportation (SD DOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;**
- 5. That the On-site Wastewater Treatment System comply with PCZO and SD Department of Agriculture and Natural Resources requirements (SD DANR);**
- 6. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;**
- 7. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a Sales Tax License from the South Dakota Department of Revenue;**
- 8. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;**
- 9. 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,**

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

All voting aye, the Motion carried 5 to 0.

17. ORDINANCE AMENDMENT / OA 24-06: Pennington County. To amend Section 900-A “Road Improvements and Design Standards” [to amend and supersede the existing Section 900-A “Road Improvements and Design Standards”] of the Pennington County Subdivision Regulations.

Molitor stated this is a proposed Ordinance Amendment to amend Section 900-A Road Improvements and Design Standards of the Subdivision Regulations.

Staff recommended approval of Ordinance Amendment / OA 24-06.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Ordinance Amendment / OA 24-06.

All voting aye, the Motion carried 5 to 0.

18. ORDINANCE AMENDMENT / OA 24-07: Pennington County. To amend Section 1500-C “Sewer Facilities” [to amend and supersede the existing Section 1500-C “Sewer Facilities”] of the Pennington County Subdivision Regulations.

Molitor stated this is a proposed Ordinance Amendment to amend Section 1500-C Sewer Facilities of the Subdivision Regulations.

Staff recommended approval of Ordinance Amendment / OA 24-07.

Discussion followed.

Moved by Lewis and seconded by Rossknecht to approve of Ordinance Amendment / OA 24-07.

All voting aye, the Motion carried 5 to 0.

19. ORDINANCE AMENDMENT / OA 24-08: Pennington County. To amend Section 1703-H “Certificates for Plats, Minor Plats and Lot Line Adjustment Plats” [to amend and supersede the existing Section 1703-H “Certificates for Plats, Minor Plats and Lot Line Adjustment Plats”] of the Pennington County Subdivision Regulations.

Molitor stated this is a proposed Ordinance Amendment to amend Section 1703-H Certificates for Plats, Minor Plats and Lot Line Adjustment Plats of the Subdivision Regulations.

Staff recommended approval of Ordinance Amendment / OA 24-08.

Discussion followed.

Moved by McGregor and seconded by Kuehn to approve of Ordinance Amendment / OA 24-07.

All voting aye, the Motion carried 5 to 0.

20. EXECUTIVE SESSION.

Executive Session was not needed.

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 28, 2024, Planning Commission meeting.

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the May 2024 Building Permit Report.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Lewis asked that proposed Ordinance Amendments are sent to them earlier for their review, prior to meetings.

Chairman Johnson spoke of Planning Commission interviews scheduled for Tuesday, June 11th.

25. ADJOURNMENT

Moved by McGregor and seconded by Kuehn to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 9:55 a.m.

Charlie Johnson, Chairperson