

DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 22, 2020 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Sandra Runde, Sonny Rivers, Mark DiSanto, Kathy Johnson (teleconference), Jim Coleman (teleconference).

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Jason Theunissen, Michael Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JUNE 8, 2020, MINUTES

Moved by Lasseter and seconded by Rivers to approve the Minutes of the June 8, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by Lasseter and seconded by Runde to approve the Agenda of the June 22, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by Rivers and seconded by Lasseter to approve the Consent Agenda of the June 22, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 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 are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 17-29:** Arch Duran. To review a Recreational Vehicle to be used as temporary living quarters on the subject property, for seasonal use from May 1st to October 1st, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of Lot 1 of S1/2SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-29 with the following ten (10) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property;
2. That the one (1) Recreational Vehicle (RV) continue to only be used seasonally between May 1st and October 1st each year;
3. That the address assigned be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters during the seasonal restrictions, so as to be visible from Black Forest Road, in accordance with Pennington County's Ordinance #20;
4. That the Recreational Vehicle (RV) being used as a temporary residence continue to be hooked into the approved On-Site Wastewater Treatment System;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property continually remains free of debris and junk vehicles, in accordance with Ordinance #106;
7. 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;
8. That the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property upon end of the seasonal use each year;
9. That the Recreational Vehicle (RV) continue to be utilized for personal use only and shall not be rented at any time; and,
10. That this Conditional Use Permit be reviewed in three (3) 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 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-08:** Stromer Properties, LLC; Brook Stromer. To review an illuminated, on-premise sign within 1,500 feet of a residential zoning district / dwelling unit in a General Commercial in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

Lot A2; Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-08 with the following eight (8) conditions:

- 1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways or airspace, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or pilot of an aircraft, or otherwise interfere with any driver's operation of a motor vehicle or pilot's operation of an aircraft;**
- 2. That the applicant obtain a Sign Permit for the proposed sign prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;**
- 4. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
- 5. That the sign must meet a minimum of a five (5) foot setback from the front property lines and twenty-five (25) foot setbacks from all side and rear property lines. In addition, no part of the sign or infrastructure may be located in any right-of-way;**
- 6. That the overall height of the proposed sign, including ground clearance, not exceed 30 feet and the maximum display area not exceed 250 square feet on each face;**
- 7. That this Conditional Use Permit shall automatically expire if the use for which it was granted has not been established within one (1) year following the date of this extension; and,**
- 8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.**

Vote: unanimous 7 to 0.

- 5. CONDITIONAL USE PERMIT REVIEW / CU 19-20: Cody Rust Butler; Jeannie Marr – Agent. To review an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.**

Tract A of Lot 2 of SW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 19-20 to the July 13, 2020, Planning Commission meeting in order for the applicant to meet the Conditions of Approval with the following one (1) condition:

- 1. That any continuation after the July 13, 2020 Planning Commission meeting, will be subject to a \$100.00 continuation fee in accordance with Section 511(X) of the Pennington County Zoning Ordinance.**

Vote: unanimous 7 to 0.

- 6. CONDITIONAL USE PERMIT REVIEW / CU 19-30: Harry and Gail McKane. To review allowing the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.**

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the June 8, 2020, Planning Commission meeting.)

To approve the extension of Conditional Use Permit / CU 19-30 with the following ten (10) conditions:

- 1. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;**
- 2. That the Guest House shall not be used for more than 180 days per calendar year;**
- 3. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO Section 318(B)(10);**
- 4. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;**
- 5. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;**
- 6. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Deerfield Park Drive, in accordance with Pennington County Ordinance #20;**

7. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO Section 318;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
9. That prior to any work within the 100-year floodplain, the applicant obtain approval of a Floodplain Development Permit; 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.

Vote: unanimous 7 to 0.

7. **MINOR PLAT / MPL 20-10:** Robert Schryvers. To reconfigure lot lines to create Lot D1 and Lot 1A of the Log Porch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 21 of Morse Subdivision #4; Lot 1 of D-R-J Subdivision and Tract in NE1/4NE1/4; Lot D of NE1/4NE1/4, all located in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 and Lot 1A of the Log Porch Subdivision, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 20-10 with the following six (6) conditions.

1. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
2. That prior to filing the Plat with the Register of Deeds, Note 2 be corrected to identify eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the easement line running through Lot D1 has a bearing and distance or a distance along the north property line to the northeast property corner, per County Highway Department comments;

4. That prior to filing the Plat with the Register of Deeds, the Plat Heading be corrected to read Lot 21 of Morse Subdivision #4, per Register of Deeds comments;
5. That all natural drainage ways are maintained and are not blocked; and,
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Vote: unanimous 7 to 0.

8. **MINOR PLAT / MPL 20-11**: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 20-11 with the following eight (8) conditions.

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That prior to the Plat being recorded with the Register of Deeds, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;

6. That prior to the Plat being recorded with the Register of Deeds, the plat be updated per Register of Deeds comments;
7. That prior to the Plat being recorded with the Register of Deeds the 40-foot access easement is to be recorded, therefore a document number of that recording needs to replace “dedicated this plat” in the label of that easement. The beginning or end of the 40-foot access easement should have a dimension to one of the property corners, per County Highway Department comments; and,
8. 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

9. VACATION OF EASEMENT / VE 20-01: Tom and Pam Troxel. To vacate a portion of the Minor Drainage and Utility Easement to construction a shop building on the subject property.

Lot 6R, Block 1, Mission Hills #2 Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicants have applied for a Vacation of Easement to vacate a portion of the eight (8) foot Minor Drainage and Utility Easement in the front yard in order to build a shop building on the subject property.

Staff recommended approval of Vacation of Easement / VE 20-01 with the following two (2) conditions:

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed’s Office; and,
2. That the vacation of the 8-foot utility and drainage easement in the front yard only be for the proposed shop. Any additional encroachments into the easement will require separate vacation of Easement approval(s).

Discussion followed.

Moved by DiSanto to continue Vacation of Easement / VE 20-01 in order to verify where the proposed structure will be placed in the easement. Commissioner DiSanto withdrew his Motion.

Discussion further followed.

Moved by Rivers and seconded by Lasseter to approve of Vacation of Easement / VE 20-01 with the following two (2) conditions:

- 1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office; and,**
- 2. That the vacation of the 8-foot utility and drainage easement in the front yard only be for the proposed shop. Any additional encroachments into the easement will require separate vacation of Easement approval(s).**

Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

10. CONDITIONAL USE PERMIT / CU 20-10: Properties by Jenn, LLC; Jennifer Boerger – Agent. To allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot G of Lot 2, Reno Placer MS 823, Section 2, T2S, R4E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 20-10 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That any website listing(s) for the Vacation Home Rental correctly state that no more than six (6) overnight occupants are allowed;
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 DENR;
4. That prior to the operation of the Vacation Home Rental, the applicant provide pumping receipts and have a service contract put in place with a certified wastewater pumper;

5. 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;
6. That each review of Conditional Use Permit / CU 20-10, be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;
7. That the applicant 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;
8. That the applicant 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;
9. That a minimum of (2) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
10. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (12273 Reno Gulch Road) be posted on the residence at all times and is posted where the driveway intersects Reno Gulch Road, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Jennifer Boerger, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. 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,

17. That this Conditional Use Permit be reviewed in three (3) months, 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 DiSanto and seconded by Lasseter to approve of Conditional Use Permit / CU 20-10 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That any website listing(s) for the Vacation Home Rental correctly state that no more than six (6) overnight occupants are allowed;
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 DENR;
4. That prior to the operation of the Vacation Home Rental, the applicant provide pumping receipts and have a service contract put in place with a certified wastewater pumper;
5. 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;
6. That each review of Conditional Use Permit / CU 20-10, be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;
7. That the applicant 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;
8. That the applicant 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;
9. That a minimum of (2) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

10. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (12273 Reno Gulch Road) be posted on the residence at all times and is posted where the driveway intersects Reno Gulch Road, in accordance with Pennington County's Ordinance #20;
12. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Jennifer Boerger, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. 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,
17. That this Conditional Use Permit be reviewed in three (3) months, 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.

Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, and Rivers – aye. Runde – no. Roll Call Vote: carried 6 to 1.

11. CONDITIONAL USE PERMIT / CU 20-11: Audra Olson. To allow an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 18 of Tract A, Sunnyside Acres, Section 25, T2N, R4E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 20-11 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 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 DENR;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 20-11, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (22775 Sunnyside Gulch Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Sunnyside Gulch 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 Section 319(F) (Performance Standards) at all times;

11. That if the person designated as the Local Contact is ever changed from Aaron Olson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by DiSanto and seconded by Lasseter to approve of Conditional Use Permit / CU 20-11 with the following fifteen (15) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 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 DENR;**
- 3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 4. That each review of Conditional Use Permit / CU 20-11, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;**
- 5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;**

7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (22775 Sunnyside Gulch Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Sunnyside Gulch 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 Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Aaron Olson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. **Roll Call Vote:** carried 7 to 0.

12. LAYOUT PLAN / LPL 20-12: David Grover. To create Lots A, B, C, and D of Buzmar Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D of Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to creates Lots A, B, C, and D of Buzmar Subdivision.

Staff recommended approval of Layout Plat / LPL 20-12 with the following nine (9) conditions:

1. That the applicant obtains Approach Permits from the County Highway Department prior to installation of any approaches off of Old Hill City Road;
2. That the 40-foot-wide Access Easement on the plat be designated as either “private” or “public”;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
5. That at the time of Preliminary Plat submittal, a minimum of an eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Preliminary Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
8. 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,

9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by DiSanto and seconded by Runde to approve of Layout Plat / LPL 20-12 with the following nine (9) conditions:

1. That the applicant obtains Approach Permits from the County Highway Department prior to installation of any approaches off of Old Hill City Road;
2. That the 40-foot-wide Access Easement on the plat be designated as either “private” or “public”;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
5. That at the time of Preliminary Plat submittal, a minimum of an eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Preliminary Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
8. 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,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the June 8, 2020, Planning Commission meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

15. ITEMS FROM THE STAFF

A. Planning Commission Appointments. Molitor informed the Planning Commission that Kathy Johnson has been reappointed to the Planning Commission, along with the appointment of Charlie Johnson.

B. Planning Commissioner Sonny Rivers. The Planning Commission, the Planning Director, and Board of Commissioner, Mark DiSanto, thanked Commissioner Sonny Rivers for his service on the Planning Commission.

16. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

17. ADJOURNMENT

Moved by DiSanto and seconded by Rivers to adjourn.

Roll Call: Marsh – aye, Coleman – aye; DiSanto – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

The meeting adjourned at 9:58 a.m.

Rich Marsh, Chairperson