

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 24, 2024 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JUNE 10, 2024, MINUTES
Moved by Burton and seconded by Lewis to approve the Minutes of the June 10, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Burton and seconded by Kuehn to approve the Agenda of the June 10, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.

Commissioner Coleman appeared at the meeting at 9:03 a.m.

3. APPROVAL OF THE CONSENT AGENDA
Moved by Rossknecht and seconded by Lewis to approve the Consent Agenda of the June 24, 2024, Planning Commission meeting, with the removal of Items #7, #8, #10, and #11. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 96-14:** Mark Hirsch. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot B, Hirsch Addition, Section 31, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit Review / CUR 96-14 with the property owner's concurrence.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 04-46:** A & B Ranch, Inc.; Brian Barber. To review a metal fabrication business as a home occupation in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SW1/4 less ROW; S1/2SW1/4NW1/4 less ROW; SW1/4SE1/4NW1/4; SW1/4 SE1/4 SE1/4NW1/4; S1/2SE1/4SE1/4SE1/4NW1/4, Section 9, T2S, R9E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 04-46 with the following eleven (11) conditions:

1. **That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director;**
2. **That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use;**
3. **That a maximum of one (1) employee not residing on the premises or employed as a ranch hand may be employed by the home occupation;**
4. **That stock or trade stored outside the enclosed structures located on the property shall be arranged in an organized manner, not to create safety, fire or vermin hazard;**
5. **That the applicant ensures all trucks delivering metal or fabricated tanks are of legal axle weights and obey all seasonal load limits;**
6. **That a minimum of four (4) off-street parking spaces be provided in accordance with Section 310(A)(9)(t) of the Pennington County Zoning Ordinance. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**
7. **That the applicant maintains the outside area in a weed free manner as to prevent create safety, fire or vermin hazard;**
8. **That the applicant has a minimum of three (3) 20# ABC fire extinguishers and they are to be kept in the area were tank fabrication is being conducted;**
9. **That the applicant have all operations and material associated with the home occupation inside the existing shop structure, utilize flood proofing methods specified in the Flood Damage Prevention Ordinance or obtain a Floodplain Development Permit;**
10. **That the home occupation be limited to a metal fabrication business. Any expansion beyond this would require the Conditional Use Permit to be reviewed; and,**

11. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all the Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 16-05:** Spring Creek Hideaway, LLC / Brent and Pam Veurink. To review a Vacation Home Rental in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 4, Peterson Subdivision MS 622, Section 11, T2S, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 16-05 with the following nineteen (19) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That the applicant continues to provide a cell phone booster for the Vacation Home Rental to ensure that adequate cell phone service is available, in case of an emergency;
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
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 upon request;
6. That the applicant continually 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 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;

8. 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;
9. That a minimum of five (5) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance 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 continues to 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. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
11. That the lot address continues to be posted on the residence at all times and so that it is clearly visible from Barrel Springs 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 Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
13. That each review of Conditional Use Permit / CU 17-05, be subject to PCZO Section 511(Q), which includes a \$100 fee per review;
14. That if the person designated as the Local Contact is ever changed from J&J Hospitality, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
16. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
17. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
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 three (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 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CUR 22-01:** Eric and Stephanie Thompson. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 22-01 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (SD DANR) approval be limited to 6 people and the maximum daytime occupancy be limited to 12 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 residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if any addition is constructed on the residence and/or the OSWTS 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 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 applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 22-01, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. That the applicant 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 upon request;
8. That the applicants 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 3 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner, and parking in the road Right-of-Way is not allowed;
10. That prior to operation, an interior informational sign be 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;
11. That the lot address (23844 Deegan Drive) be posted on the residence at all times and at the driveway where it intersects Deegan Drive, in accordance with Pennington County's Ordinance #20;
12. 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;
13. That if the person designated as the Local Contact is ever changed from Ana Ackerman, 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 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 three (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 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CUR 23-20**: David and Angela Roland. To review a Bed and Breakfast in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3A, Hill City Heights Subdivision, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-20 with the following fifteen (15) conditions:

1. That the maximum occupancy of the Bed and Breakfast be limited to 4 people based on the space above the garage having 2 bedrooms;
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System, which will require approval from SD DANR;
3. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants want to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly;
4. That the proper permits be obtained prior to constructing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the grill or if the applicant builds a fire pit;
6. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast 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 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 if the applicant chooses to post an exterior sign, the sign shall meet the requirements of PCZO §§323(B)(3)(b) and 312;
9. That an interior sign shall be posted in the Bed and Breakfast for all guests, in accordance with the requirements of PCZO § 323(B)(3)(d);
10. That the addresses for the single-family residence be posted on the structure at all times and at the driveway where it intersects Forest Street, in accordance with Pennington County's Ordinance #20;
11. That the Bed and Breakfast continues to be classified as owner occupied with the Pennington County Department of Equalization;
12. That the applicant ensures the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;

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 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.

13. **MINING PERMIT REVIEW / MP 14-02:** Pennington County Highway. To review the excavation and extraction of gravel in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

W¹/₂SW¹/₄SE¹/₄ Lying South of the Railroad Right-of-Way, E¹/₂W¹/₂SE¹/₄SW¹/₄ Lying South of the Railroad Right-of-Way, E¹/₂E¹/₂SW¹/₄ Excepting Railroad and Highway Right-of-Way; Government Lot 1,5,6 and 7, S¹/₂NE¹/₄, SE¹/₄NW¹/₄, N¹/₂SE¹/₄, SE¹/₄ SE¹/₄, E¹/₂SW¹/₄SE¹/₄, W¹/₂SW¹/₄SE¹/₄ Lying North of the Railroad Right-of-Way, W¹/₂W¹/₂SE¹/₄SW¹/₄, W¹/₂ NE¹/₄SW¹/₄, Excepting Railroad and Highway Right-of-Way, Section 6, T1N, R12E, BHM, Pennington County, South Dakota

To approve of Mining Permit Review / MP 14-02 with the following twelve (12) conditions:

1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the Mining Activity;
3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-45) be continually met;
4. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Director when it is renewed;
5. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
6. That erosion control measures be implemented around the stockpiles to prevent sediment from leaving the site and, in addition, any disturbed areas must have acceptable erosion control measures to prevent surface erosion and sediment leaving the site or entering drainage ways;
7. That prior to any dirt work commencing within the 100-year floodplain, a Floodplain Development Permit be obtained;

8. That site inspections be done at least weekly during the period of construction or monthly, if no construction activity is occurring on the site (temporary stabilization is required if activity on the site is dormant for more than 21 days), and within 24 hours following a storm event of at least 0.5" or a snowmelt event that causes surface erosion and weekly site inspection records shall be submitted to the Planning Director on a monthly basis during the period of construction;
9. That an address be posted in large numbers at the entrance to the pit in accordance with Ordinance #20;
10. That self-contained toilets be provided on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations;
11. That the site shall be revegetated as required in Section 507-A(5)(c); and,
12. That this Mining Permit be reviewed in five (5) years or upon a complaint basis or at the Planning Commission or Board of Commissioners request.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

7. **CONDITIONAL USE PERMIT REVIEW / CUR 19-15**: Samuel G. Fullerton III. To review a caretaker's residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit Review / CUR 19-15 with six (6) conditions.

Discussion followed.

Moved by Lewis and seconded by Burton to approve of Conditional Use Permit Review / CUR 19-15 with the following six (6) conditions:

1. That the addresses for both the single-family residence and the caregiver's residence continue to be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;

2. **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;**
3. **That the minimum setback requirements of an Agriculture District be continually maintained on the property or a setback Variance be obtained;**
4. **That the subject property continues to remain free of debris and junk vehicles;**
5. **That once care is no longer needed, the caregiver's residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,**
6. **That this Conditional Use Permit be reviewed in 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.**

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT REVIEW / CUR 21-56: Alex and Holly Niemann, ANH Enterprises, Inc. To review the rental of 36 UTVs (6 back-ups) and 6 slingshots to include a washing area, parking area, and 36-40 employees in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot G, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit Review / CUR 21-56 with twenty-one (21) conditions:

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Conditional Use Permit Review / CUR 21-56 with the following twenty-one (21) conditions:

1. **That the permitted use continues to be limited to the rental of 48 vehicles, to include 36 primary UTVs, 6 reserve UTVs, and 6 Slingshot roadsters;**
2. **That all assigned addresses continue to be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;**
3. **That access to the site continue to be only from the approved South Dakota Department of Transportation (SDDOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;**

4. That at least 88 off-street parking spaces continue to be designated, to include 48 off-street parking spaces for UTVs and Slingshots, 20 off-street parking spaces for customers and 20 additional parking spaces for employees, per Pennington County Zoning Ordinance (PCZO) § 310;
5. That all UTVs and Slingshots continue to be parked on paved or gravel surfaces;
6. That any On-site Wastewater Treatment System comply with PCZO § 331 and SD Department of Agriculture and Natural Resources requirements (SD DANR);
7. That the days of operation for the rentals continue to be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 7 a.m. and 7 p.m. only;
8. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
9. That the UTVs continue to be thoroughly cleaned after use, to prevent the spread of invasive weeds;
10. That a designated equipment wash area continue to be utilized to ensure no runoff is allowed to exit the subject property or enter into any waters of the state;
11. That any solid waste accumulated from washing operations continue to be disposed of properly;
12. That any used chemicals accumulated from vehicle maintenance continue to be disposed of properly;
13. That a portable fire extinguisher with a minimum 2A:10B:C rating continue to be placed in each structure supporting the UTV rental or maintenance so it is accessible at all times;
14. That fueling operations for the UTVs and Slingshots continue to occur off-site;
15. That vehicle maintenance be performed within a designated structure and that no junk or parts be allowed to accumulate on the subject property, so as to create a nuisance;
16. That all lighting continues to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;

17. That all U.S. Forest Service comments continue to be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
18. 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;
19. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;
20. 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,
21. 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.

All voting aye, the Motion carried 7 to 0.

10. CONDITIONAL USE PERMIT REVIEW / CUR 22-51: Suzette Wasvick. To review an Efficiency Dwelling Unit on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Also in Section 30 of Mary E Lode MS 446, Section 19, T1N, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue Conditional Use Permit Review / CUR 22-51, as not all conditions have been met.

Discussion followed.

Moved by Rossknecht and seconded by Lewis to continue Conditional Use Permit Review / CUR 22-51, as not all conditions have been met.

All voting aye, the Motion carried 7 to 0.

11. CONDITIONAL USE PERMIT REVIEW / CUR 23-17: David Allard. To review a Bed and Breakfast in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 17 of Block 5 of Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit Review / CUR 23-17 with nineteen (19) conditions.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Conditional Use Permit Review / CUR 23-17 with the following nineteen (19) conditions:

- 1. That the maximum occupancy of the Bed and Breakfast be limited to 2 people based on the structure having 1 bedroom;**
- 2. That there *not* be a range or oven in the proposed structure, as to constitute a second single-family residence on the subject property;**
- 3. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System, which will require approval from SD DANR;**
- 4. That if any addition is constructed on the residence, the On-Site Wastewater Treatment System is upgraded, and/or the applicants wants to increase the maximum occupancy in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly;**
- 5. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 6. That the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;**
- 7. That the applicant maintains current licenses with the South Dakota Department of Health (Bed and Breakfast 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 maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;**
- 9. That a minimum of 2 off-street parking space be provided on-site, per PCZO § 310;**
- 10. That if the applicant chooses to post an exterior sign, the sign shall meet the requirements of PCZO §§323(B)(3)(b) and 312;**
- 11. That an interior sign shall be posted in the Bed and Breakfast for all guests, in accordance with the requirements of PCZO § 323(B)(3)(d);**

12. That prior to operation, an address be assigned to the Bed and Breakfast;
13. That the addresses for the single-family residence and the Bed and Breakfast be posted on both structures at all times and at the driveway where it intersects W. Highway 44, in accordance with Pennington County's Ordinance #20;
14. That the Bed and Breakfast continues to be classified as owner occupied with the Pennington County Department of Equalization;
15. That the applicant ensures the Bed and Breakfast is continually operated in accordance with the requirements of PCZO § 323 at all times;
16. That the houseboat and RV located on the subject property be only stored and not rented or occupied;
17. That all applicable Federal, State, and local regulations be adhered to at all times, including but not limited to ARSD 44:20:06 and SDCL 34-18;
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 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 7 to 0.

14. CONDITIONAL USE PERMIT / COCU 24-0019: Mervin Hilty. To allow a Home Occupation, woodworking, on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

S1/2SW1/4NE1/4 and that part of SE1/4 in Pennington County and Custer County, Section 20, T2S, R9E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a home occupation, woodworking, on the subject property

Staff recommending to continue Conditional Use Permit / COCU 24-0019 to the July 22, 2024, Planning Commission meeting to allow the applicant time to send the letters required for advertising, but is now recommending to continue to the July 8, 2024, Planning Commission meeting.

Discussion followed.

Moved by Burton and seconded by Lewis to continue Conditional Use Permit / COCU 24-0019 to the July 8, 2024, Planning Commission meeting to allow the applicant time to send the letters required for advertising.

All voting aye, the Motion carried 7 to 0.

15. ORDINANCE AMENDMENT / OA 24-09: Pennington County. To amend Section 904-C “Dead-End Roads” [to amend and supersede the existing Section 904-C “Dead-End Roads”] of the Pennington County Subdivision Regulations.

Molitor stated this is a proposed Ordinance Amendment to amend Section 904-C Dead End Roads of the Pennington County Subdivision Regulations.

Staff recommended approval of Ordinance Amendment / OA 24-09.

Discussion followed.

Moved by Rossknecht and seconded by Coleman to approve of Ordinance Amendment / OA 24-09.

All voting aye, the Motion carried 7 to 0.

16. EXECUTIVE SESSION.

Executive Session was not needed.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the June 10, 2024, Planning Commission meeting.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

A. Planning Commission Members. Molitor thanked outgoing Planning Commission members, Kevin Burton and Jim Coleman, for their service, and also stated that two new members, Lori Litzen and John Santana, will be appointed to fill their positions.

20. ITEMS FROM THE MEMBERSHIP

Members of the Planning Commission and Board of Commission also thanked Commissioners Coleman and Burton for their service.

21. ADJOURNMENT

Moved by McGregor and seconded by Burton to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:55 a.m.

Charlie Johnson, Chairperson