

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 10, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Jim Coleman, Kevin Kuehn, Kevin Burton, and Gary Drewes.

STAFF PRESENT: Jason Theunissen, Kelsey Rausch, Christine Phillip, Cody Sack, TJ Doreff, Jeri Ervin, Kim Baxter, and Alexa Moeller (SAO).

ROLL CALL

1. ELECTION OF OFFICERS

Theunissen stated the Planning Commission elects new officers during the first annual organizational meeting in July of each year. Theunissen opened the nominations for officer positions.

Moved by Drewes and seconded by Coleman to nominate Charlie Johnson as the Chairperson, Karen McGregor as the Vice Chairperson, and Mikal Lewis as the Second Chairperson. All voting aye, the Motion carried 6 to 0.

2. APPROVAL OF THE JUNE 26, 2023, MINUTES

Moved by Coleman and seconded by Kuehn to approve the Minutes of the June 26, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.

3. APPROVAL OF THE AGENDA

Moved by Burton and seconded by McGregor to approve the Agenda of the July 10, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Burton and seconded by McGregor to approve the Consent Agenda of the July 10, 2023, Planning Commission meeting, with the removal of Item #14. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 83-01**: Gerold Schuelke. To review a Recreational Vehicle Park in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

SW1/4NE1/4, Section 17, T1N, R3E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 83-01 with the property owner's concurrence.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-16:** School House, LLC / Larry Teuber. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1R, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-16 with the following eighteen (18) conditions:

1. **That the maximum overnight occupancy, based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
2. **That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
3. **That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**
4. **That the 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;**
5. **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;**
6. **That a minimum of one (1) off-street parking space be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**
7. **That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department, during operation of the Vacation Home Rental;**
8. **That the lot address (9627 Clarkson Road) be continually posted on the residence at all times and that is also be posted on a sign where the driveway intersects with Clarkson Road, in accordance with Pennington County's Ordinance #20;**

9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, 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;
11. 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;
12. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject property;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;
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;
15. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;
16. 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;
17. That each review of Conditional Use Permit / CU 20-28, be subject to PCZO § 511(F)(4), which includes a \$100 fee per review; and
18. 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 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-18:** SC Meridian, LLC / Larry Teuber. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-18 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the 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;
5. 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;
6. That a minimum of two (2) off-street parking space be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department, during operation of the Vacation Home Rental;
8. That the lot address (9670 Clarkson Road) be continually posted on the residence at all times and that is also be posted on a sign where the driveway intersects with Clarkson Road, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, 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;

11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;
13. 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;
14. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;
15. 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;
16. That each review of Conditional Use Permit / CU 17-18, be subject to PCZO § 511(F)(4), which includes a \$100 fee per review; and;
17. 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 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-19:** SC Meridian, LLC / Larry Teuber. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 6R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 17-19 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;

3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the 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;
5. 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;
6. That a minimum of two (2) off-street parking space be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department, during operation of the Vacation Home Rental;
8. That the lot address (9645 Cougar Court) be continually posted on the residence at all times and that is also be posted on a sign where the driveway intersects with Cougar Court, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, 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;
11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;
13. 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;

14. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;
15. 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;
16. That each review of Conditional Use Permit / CU 17-19, be subject to PCZO § 511(F)(4), which includes a \$100 fee per review; and;
17. 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 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-16:** David and Karen Maudlin. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3 (also in Section 3, T2S, R5E), Turbo Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 18-16 to the July 24, 2023, Planning Commission meeting.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-17:** James and Laura Rogers. To review seasonal bunkhouses on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 10, Moon Ranch Subdivision, Section 33, T1S, R1E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-17 with the following eight (8) conditions:

1. That the addition of any future structures will require a review and possible Amendment of CU 18-17, prior to any new structures being placed on the subject property;
2. That the addresses assigned to the property be properly posted in accordance with Pennington County's Ordinance #20 and road signs posted as required;
3. That the seasonal bunkhouses may not be occupied more than 180 days per calendar year;

4. That the applicant submit all future pump receipts to the County Environmental Planner within two (2) weeks of the holding tank being pumped;
5. That a 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;
6. That the minimum setbacks requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
7. That the cabins be used for personal use only. No commercial activity or renting shall be permitted; and,
8. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 19-09:** Martina Pugh. To review a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

E60 feet of N115 feet of Lot 4 of Lot 13, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 19-09.

Vote: unanimous 6 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 19-10:** Jeff and Jodi Sugrue. To review a multi-family dwelling in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Tract C, Block 5, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-10 with the following seven (7) conditions:

1. That a minimum of four (4) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
2. That the existing approach must be used and no additional approaches will be allowed unless approved by the and County Highway Department and that the residence and the addresses of each unit be properly posted so they are in accordance with Pennington County Ordinance #20;

3. That the property continue to be kept free of debris and junk vehicles;
4. That once the living quarters for CU 19-10 are no longer in use as a multi-family dwelling, CU 19-10 shall end;
5. That the landowner continue to ensure that smoke alarms and fire extinguishers be properly installed and/or maintained in working order in each unit;
6. 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,
7. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by either the Pennington County Board of Commissioners or Planning Commission to verify that all conditions are being met.

Vote: unanimous 6 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 19-14:** Dottie Pugsley. To review a multi-family residence in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 21, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 19-14 with the following six (6) conditions:

1. That the lot address continues to be clearly posted, so as to be visible from Aurora Drive, in accordance with Pennington County's Ordinance #20;
2. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. 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; and,

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

Vote: unanimous 6 to 0.

13. **CONDITIONAL USE PERMIT REVIEW / CU 20-04:** School House, LLC; Jessica Ginger – Agent. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2A (also in Section 6), Block 1, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 20-04 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy, based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 20-04, be subject to PCZO § 511(F)(4), which imposes a \$100 fee per review;
5. 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;
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 space be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department, during operation of the Vacation Home Rental.

9. That the lot address (9603 Clarkson Road) be continually posted on the residence at all times and that it also be posted on a sign where the driveway intersects Clarkson Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Jessica Ginger, 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), per PCZO § 312;
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 the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;
16. 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;
17. 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 6 to 0.

15. **CONDITIONAL USE PERMIT REVIEW / CU 21-30:** Thomas Boyce and Lynn Behr. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3, HES #305, Section 33, T1S, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-30 with the following seventeen (17) conditions:

- 1. That the maximum overnight occupancy based on SD DANR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) Section 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;**
- 3. That if any addition is constructed on the residence and/or the On-Site Wastewater Treatment System is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
- 4. That the applicant 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;**
- 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 each review of Conditional Use Permit / CU 21-30, be subject to PCZO Section 511(P), which imposes a \$100 fee per review;**
- 7. That the applicants 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 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 one (1) 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 updated and 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 (12061 Reno Gulch Road) be posted on the residence at all times and at the driveway where it intersects Reno Gulch Road, 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 Section 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Black Hills Retreats, 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) 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 6 to 0.

16. **CONDITIONAL USE PERMIT REVIEW / CU 21-36:** Larry and Ramona Vander Zee. To review an Accessory Dwelling Unit on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

All (also in Section 35, T1N, R3E), HES 573, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-36 with the following thirteen (13) conditions:

1. That only 1 Accessory Dwelling Unit (ADU) be allowed;
2. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU be prohibited;
3. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
4. That the ADU have a residential appearance, have its own assigned address, and not be a Recreational Vehicle;

5. That the addresses assigned to the ADU and the principle dwelling be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
6. That the On-site Wastewater Treatment System comply with Pennington County Zoning Ordinance (PCZO) § 331;
7. That all utilities for the ADU be extended from the primary residence and be on 1 meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
8. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;
9. That the principal dwelling on the property be owner occupied, per PCZO § 324(A)(3), or utilized as a long-term rental;
10. That at least 1 off-street parking space be provided for the ADU;
11. That the ADU be continually utilized and maintained in accordance with all requirements of the PCZO § 324;
12. 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,
13. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

Vote: unanimous 6 to 0.

17. **CONDITIONAL USE PERMIT REVIEW / CU 21-44:** Michael and Jeanne Wagner. To review living in a Recreational Vehicle while building a single-family residence on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 21-44 as the use is no longer needed.

Vote: unanimous 6 to 0.

18. **CONDITIONAL USE PERMIT REVIEW / CU 21-47:** Lind Camp, LLC / Sheila Gillespie. To review a Vacation Home Rental in an Agriculture District and Highway Service District in accordance with the Pennington County Zoning Ordinance.

N1/2NE1/4; SW1/4NE1/4; NE1/4NW1/4, Section 17, T1N, R3E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-47 with the following seventeen (17) conditions:

- 1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (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 applicant 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 21-47, 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 applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;**
- 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;**
- 10. That an interior informational sign be updated and 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 Office respectively, during operation of the Vacation Home Rental;**
- 11. That the lot address (11380 Slate Prairie Road) be posted on the residence at all times and at the driveway where it intersects Slate Prairie Road, 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) at all times;
13. That if the person designated as the Local Contact is ever changed from Sheila Gillespie and/or Debbie McVey, 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 on-premise 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) 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 6 to 0.

19. **CONDITIONAL USE PERMIT REVIEW / CU 22-03:** SC Meridian, LLC (Larry Teuber); Jessica Ginger - Agent. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3, Block 5, Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-03 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (SD DANR) approval with being contingent on any cistern being located more than 100 feet from the absorption system, 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 if the cistern varies from the SD DANR approval letter, the applicant shall contact the DANR to obtain a new approval letter regarding the maximum overnight occupancy;
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 (OSWTS);

4. 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;
5. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the CUP documents at the Pennington County Planning Department;
6. 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;
7. That each review of Conditional Use Permit / CU 22-03, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
8. 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;
9. 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;
10. That a minimum of two (2) 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;
11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
12. That the lot address (5876 Pioneer Circle) be posted on the residence at all times and at the driveway where it intersects Pioneer Circle, 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 if the person designated as the Local Contact is ever changed from Jessica Ginger, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;

15. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
16. That an approved 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) 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 6 to 0.

20. **CONDITIONAL USE PERMIT REVIEW / CU 22-04**: School House, LLC (Larry Teuber); Jessica Ginger - Agent. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Pioneer Subdivision No. 3, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-04 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (SD DANR) approval, is limited to 6 people and the maximum daytime occupancy is limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if the cistern varies from the SD DANR approval letter, the applicant shall contact the DANR to obtain a new approval letter regarding the maximum overnight occupancy;
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 (OSWTS);
4. 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;
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 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;

7. That each review of Conditional Use Permit / CU 22-04, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
8. 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;
9. That the applicant maintains an Evacuation (Emergency) Plan, provides copies and educates all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency because Clarkson Road is a dead-end road system and that a copy of said plan be kept on file at the Planning Department;
10. That a minimum of 2 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;
11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
12. That the lot address (9295 Clarkson Road) be posted on the residence at all times and at the driveway where it intersects Pioneer Circle, in accordance with Pennington County's Ordinance #20;
13. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed from Jessica Ginger, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
16. That an approved 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) 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 6 to 0.

21. **CONDITIONAL USE PERMIT REVIEW / CU 22-23:** Susan Murray. To review an accessory structure, a garage, as a primary structure on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot B, Murray Subdivision No. 2, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 22-23 with the following seven (7) conditions:

1. **That the garage not be used for living quarters;**
2. **That an address be assigned to the garage and properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Pioneer Circle;**
3. **That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
4. **That the property remains free of junk and debris;**
5. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;**
6. **That the applicant adheres to Pennington County Zoning Ordinance § 510; and,**
7. **That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

22. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 21-08:** Todd and Tina Warkenthien. To review the setback for a garage on the subject property in a Planned Unit Development District in accordance with the Pennington County Zoning Ordinance.

Lot 3R, Block 2, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Minor Planned Unit Development Amendment / PU 21-08 with the following four (4) conditions:

1. **That the conditions of approval of PUD 92-4, PUD 92-2A, and PUD 93-10 be continually adhered to;**

2. That the front yard setback from 25 feet to 15 feet only applies to the proposed garage on the subject property;
3. That all other structures must maintain setback requirements or obtain approval of a separate Planned Unit Development Amendment; and,
4. That this Minor Planned Unit Development be reviewed in one (1) year or on a complaint basis.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

14. CONDITIONAL USE PERMIT REVIEW / CU 21-22: Elizabeth Gnade. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 73 (with Lane), Burns Placer MS 697, Section 24, T1S, R4E, BHM, Pennington County, South Dakota.

Chairman Johnson requested that this item be removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 21-22 with the following eighteen (18) conditions:

1. That the maximum overnight occupancy based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That each review of Conditional Use Permit / CU 21-22, be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;
6. 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;

7. That the applicant maintains an Evacuation (Emergency) Plan and provides 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 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;
9. 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;
10. That the lot address (23829 Song Bird Road) be posted on the residence at all times and at the driveway at the intersection of Song Bird Road, in accordance with Pennington County's Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from Black Hills Retreats, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;
16. That a color map illustrating where the Special Flood Hazard Area is located on the property, as determined by the Federal Emergency Management Agency (FEMA) be posted during operation of the Vacation Home Rental;
17. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
18. That this Conditional Use Permit be reviewed 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 Johnson and seconded by Burton to approve the extension of Conditional Use Permit / CU 21-22 with the following nineteen (19) conditions:

- 1. That the maximum overnight occupancy based on SD DANR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
- 2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
- 3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;**
- 5. That the 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 21-22, be subject to PCZO Section 511(F)(3), 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 applicant maintains an Evacuation (Emergency) Plan and provides 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 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;**
- 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 (23829 Song Bird Road) be posted on the residence at all times and at the driveway at the intersection of Song Bird Road, in accordance with Pennington County's Ordinance #20;
12. 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;
13. That if the person designated as the Local Contact is ever changed from Black Hills Retreats, 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 Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;
17. That a color map illustrating where the Special Flood Hazard Area is located on the property, as determined by the Federal Emergency Management Agency (FEMA) be posted during operation of the Vacation Home Rental;
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 one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

23. CONDITIONAL USE PERMIT / CU 23-22: Doug and Jackie Bogue. To allow a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 20, Block D, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

Phillip reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 23-22 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on The South Dakota Department of Agriculture & Natural Resources (DANR) approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit (CUP) documents at the Pennington County Planning Department;
4. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
5. That each review of Conditional Use Permit / CU 23-22, be subject to PCZO § 511(Q), which includes a \$100 fee per review;
6. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
8. That a minimum of two (2) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, as well as floodplain map per § 319(G)(1)(n);
10. That the lot address (253 Brenner Pass) be continually posted on the residence at all times and so it is clearly visible from Brenner Pass in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

12. That if the person designated as the Local Contact is ever changed, from Trinity Zopp, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and;
16. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by Kuehn to approve of Conditional Use Permit / CU 23-22 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on The South Dakota Department of Agriculture & Natural Resources (DANR) approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 3. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit (CUP) documents at the Pennington County Planning Department;**
- 4. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;**
- 5. That each review of Conditional Use Permit / CU 23-22, be subject to PCZO § 511(Q), which includes a \$100 fee per review;**
- 6. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**

7. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
8. That a minimum of two (2) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, as well as floodplain map per § 319(G)(1)(n);
10. That the lot address (253 Brenner Pass) be continually posted on the residence at all times and so it is clearly visible from Brenner Pass in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed, from Trinity Zopp, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and;
16. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

24. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in accordance with the Pennington County Zoning Ordinance.

Lot 17 Less Outlot 1 and Right-of-Way (also in Section 3) and Outlot 1 of Lot 17 and 30 feet Right-of-Way, all located in Saxon Placer MS 1250, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the June 12, 2023, Planning Commission meeting.)

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

Staff recommended to continue Planned Unit Development Overlay / PU 23-06 to the August 14, 2023, Planning Commission meeting to allow the applicant time to address staff concerns.

Discussion followed.

Moved by Coleman and seconded by Drewes to continue Planned Unit Development Overlay / PU 23-06 to the August 14, 2023, Planning Commission meeting to allow the applicant time to address Staff concerns.

All voting aye, the Motion carried 6 to 0.

25. ORDINANCE AMENDMENT / OA 23-09: Pennington County. To amend Section 103 Definitions [to amend and supersede the existing Section 103 Definitions] of the Pennington County Zoning Ordinance.

(Continued from the June 26, 2023, Planning Commission meeting.)

Theunissen stated this is an Ordinance Amendment to amend Section 103 – Definitions of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 23-09.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Ordinance Amendment / OA 23-09.

All voting aye, the Motion carried 6 to 0.

26. ORDINANCE AMENDMENT / OA 23-10: Pennington County. To amend Section 900 “Road Improvements and Design Standards” [to amend and supersede the existing Section 900 “Road Improvements and Design Standards”] of the Pennington County Subdivision Regulations.

(Continued from the June 26, 2023, Planning Commission meeting.)

Theunissen stated this is an Ordinance Amendment to amend Section 900 - Road Improvements and Design Standards of the Subdivision Regulations.

Staff recommended approval of Ordinance Amendment / OA 23-10.

Discussion followed.

Moved by McGregor and seconded by Drewes to approve of Ordinance Amendment / OA 23-10.

All voting aye, the Motion carried 6 to 0.

27. ORDINANCE AMENDMENT / OA 23-11: Pennington County. To amend Section 511 “Fees” [to amend and supersede the existing Section 511 “Fees”] of the Pennington County Zoning Ordinance.

(Continued from the June 26, 2023, Planning Commission meeting.)

Theunissen stated this is an Ordinance Amendment to amend Section 511 - Fees of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 23-11.

Discussion followed.

Moved by Burton and seconded by Coleman to approve of Ordinance Amendment / OA 23-11.

All voting aye, the Motion carried 6 to 0.

28. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the June 26, 2023, Planning Commission meeting and Comprehensive Plan Amendment 23-05 and Rezone 23-08 - Pink Cabin, LLC - these items were approved.

29. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

30. ITEMS FROM THE STAFF

A. Building Permit Report. Theunissen reviewed the June 2023 Building Permit Report.

31. ITEMS FROM THE MEMBERSHIP

Chairman Johnson provided the Planning Commission with an update on the VHR Committee meetings.

Commissioner McGregor spoke of the maximum daytime occupancy in Vacation Home Rentals.

32. ADJOURNMENT

Moved by McGregor and seconded by Burton to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:58 a.m.

Charlie Johnson, Chairperson