

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**September 25, 2023 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 11, 2023 MINUTES  
**Moved by McGregor and seconded by Kuehn to approve the Minutes of the September 11, 2023 Planning Commission meeting. Vote: unanimous 7 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Lewis and seconded by Burton to approve the Agenda of the September 25, 2023 Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Lewis and seconded by Burton to approve the Consent Agenda of the September 25, 2023 Planning Commission meeting with the removal of Items #5, #11 and #12. 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 99-37:** Country Road Estates, LLC.  
To review a mobile home park in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

The NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 99-37 with the following twenty (20) conditions:**

1. **That the mobile home park has a maximum of 41 mobile home spaces with one of the lots acting as the caretaker's or manager's residence;**
  
2. **That each mobile home space be allowed one mobile home, manufactured home or modular home;**

3. That each mobile home be allowed decks and each mobile home space be allowed accessory structures with the issuance of an approved Building Permit;
4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) continue to be maintained;
5. That a minimum 10-foot separation between accessory structures (e.g. carports, sheds) and mobile homes on adjacent lots continue to be maintained;
6. That a minimum 42-foot setback be continually maintained from Country Road to ensure adequate Right-of-Way for future improvements on Country Road;
7. That a minimum front yard setback of ten (10) feet be continually maintained from all access roads within the mobile home park;
8. That a minimum rear and side yard setback on all sides of the property of not less than ten (10) feet be continually maintained;
9. That each mobile home space continue to have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than one hundred sixty two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
10. That a minimum of eleven (11) visitor parking spaces continue to be provided. Each space shall measure a minimum of 9 feet by 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
11. That the first 100 feet of the western interior roadway continue to be continually maintained with a chip seal surface at a minimum of 25-feet in width;
12. That the interior roads be continually maintained in a dust free manner;
13. That a stop sign be continually posted at the east intersection where the looped interior road and Country Road intersect;
14. That all lot addresses continue to be posted properly so they are clearly visible from Elkhorn Lane in accordance with Pennington County's Ordinance #20;
15. That a Building Permit be obtained for the removal or placement of mobile homes on the property;

16. 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;
17. That the mobile home park be provided with an on-site management office;
18. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;
19. That the use of the property continue to be in compliance with all local, state, and federal regulations; and,
20. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-18:** Paul and Dawn Marso. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 19, Block B, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 12-18 with the following fifteen (15) conditions:**

1. That the three (3) bedroom Vacation Home Rental be allowed up to eight (8) overnight guests and a maximum of twelve (12) day guests;
2. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
3. 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;
4. That the address, 115 Swiss Drive, be properly posted on both the residence and at the approach so it is visible in both directions from Swiss Drive in accordance with Pennington County's Ordinance #20;

5. 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;
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 an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
8. That the applicants maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
9. That the applicant continually complies with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
10. That each review of Conditional Use Permit / CU 12-18, be subject to PCZO § 511(P), which includes a \$100 fee per review;
11. That the proper permits continue to be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all time;
12. 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;
13. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, 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 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 three (3) years, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify all Conditions are being met.

**Vote: unanimous 7 to 0.**

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-03**: Joseph and Teri Creager. To review a storage shed/garage as a primary structure on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 13, Block 1, Moon Meadow Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota

**To approve the review of Conditional Use Permit / CU 19-03 with the following eight (8) conditions:**

1. **That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;**
3. **That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;**
4. **That the proposed storage shed/garage be used for personal use only and no commercial-type uses;**
5. **That all the natural drainage paths be maintained;**
6. **That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
7. **That an address be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County's Ordinance #20; 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 7 to 0.**

7. **CONDITIONAL USE PERMIT REVIEW / CU 21-08**: Joseph Wright. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 11, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 21-08 with the following sixteen (16) conditions:**

1. That the maximum overnight occupancy, based on the Sanitary District approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from sanitary district;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That 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;
5. That each review of Conditional Use Permit / CU 21-08, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
6. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
7. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
8. That a minimum of three (3) off-street parking spaces be provided on-site, per 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 contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
10. That the lot address (110 Fredrick Lane) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Sunnyside Gulch Road, in accordance with Pennington County Ordinance #20;
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 Joseph Wright, 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 future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

8. **CONDITIONAL USE PERMIT REVIEW / CU 21-19:** Boyd and Sabrina Knudsen. To review living in a Recreational Vehicle, temporarily, while building a cabin on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Block 1, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 21-19 to the October 10, 2023 Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

9. **CONDITIONAL USE PERMIT REVIEW / CU 21-20:** Boyd and Sabrina Knudsen. To review a bath house as a primary structure in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 7, Block 1, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 21-20 to the October 10, 2023 Planning Commission meeting.**

**Vote: unanimous 7 to 0.**

10. **CONDITIONAL USE PERMIT REVIEW / CU 22-34**: Joseph Wright. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 24, Block D, Edelweiss Mountain Development, Sections 17 and 20, T1N, R5E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 22-34 with the following sixteen (16) conditions:**

1. That the maximum overnight occupancy, based on the Sanitary District approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from sanitary district;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 22-34, be subject to PCZO Section 511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of one (1) off-street parking space be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (165 Brenner Pass) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Brenner Pass, in accordance with Pennington County Ordinance #20;



10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Joseph Wright, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That 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;
15. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

#### **END OF CONSENT AGENDA**

5. CONDITIONAL USE PERMIT REVIEW / CU 17-25: Donald Wojciechowski. To review one (1) pole barn and three (3) greenhouse structures on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to review one (1) pole barn structure located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future, in a Suburban Residential District, in accordance with the Pennington County Zoning Ordinance.

NW1/4NE1/4SW1/4, and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the September 11, 2023, Planning Commission meeting.)

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

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve the review of Conditional Use Permit / CU 17-25 with the following eight (8) conditions:**

- 1. That the address for E1/2 GL3 (8374 Miracle Drive) continue to be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;**
- 2. That the address for NW1/4NE1/4SW1/4 (8368 Miracle Drive) continue to be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;**
- 3. 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;**
- 4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the properties, or the appropriate Variance(s) be obtained;**
- 5. That the subject properties remain free of debris and junk vehicles;**
- 6. That the accessory structures be used for personal use only and no commercial-type uses and not for living space;**
- 7. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed; 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 Directors to verify that all Conditions of Approval are being met.**

**Vote: unanimous 7 to 0.**

11. CONDITIONAL USE PERMIT REVIEW / CU 22-42: Brian Wagner. To review an accessory structure as a primary structure on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Tract A, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

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

Discussion followed.

**Moved by Lewis and seconded by Burton to approve the review of Conditional Use Permit / CU 22-42 with the following seven (7) conditions:**

- 1. That an address be assigned for the proposed shop building and be properly posted in accordance with Pennington County Ordinance #20, so that it is visible from Courtyard Boulevard;**
- 2. That the proposed shop be used for personal use only, no commercial-type use is allowed;**
- 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 Section 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 7 to 0.**

12. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 19-01: Brink Constructors, Inc.; BCI Properties, LLC; Zane Brink – Agent. To review an apprenticeship training facility for linemen of Brink Construction in a Planned Unit Development Overlay in accordance with the Pennington County Zoning Ordinance.

SW1/4SE1/4 less ROW, Section 24, T2N, R9E, BHM, Pennington County, South Dakota.

(Continued from the September 11, 2023, Planning Commission meeting.)

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

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve the review of Planned Unit Development Overlay / PU 19-01 with the following eighteen (18) conditions:**

- 1. That the purpose of this Planned Unit Development be: to allow for uses and regulations as outlined in Pennington County Zoning Ordinance (PCZO)**

**Section 205, with the addition of an Apprentice Lineman Training Facility to include: conference center, buildings for storage and classrooms, training apparatus, and equipment storage;**

- 2. The maximum allowable height for any training apparatus shall be sixty-five (65) feet and shall be thirty-five (35) feet for all other structures;**
- 3. That this Planned Unit Development be considered an overlay whereby the provisions of the underlying General Agriculture District apply and, if the property is no longer utilized in accordance with this Planned Unit Development, the zoning reverts back to General Agriculture District;**
- 4. That all parking spaces be a minimum of 9 feet by 18 feet and the parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 5. That the hours of operation be Monday – Friday from 7am – 5pm and occasional weekends as needed;**
- 6. That if lighting is to be installed, all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver’s operation of a motor vehicle;**
- 7. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to business licenses, operational permits and inspections;**
- 8. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;**
- 9. That the physical address for any residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;**
- 10. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County Staff and meet all local and state requirements;**
- 11. That prior to the placement of any signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;**
- 12. That the applicant ensure the residential and agricultural character of the property is maintained;**

13. That prior to operation, the application obtain any additional permits from the County (if applicable), including, but not limited to Construction Permit(s) and Building Permit(s);
14. 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;
15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
16. That the operation be conducted by employees or designees of Brink Construction Inc.;
17. That if the Planned Unit Development is ever ended, that a principle use must be established on the property or a Conditional Use Permit be obtained, and;
18. That Planned Unit Development / PUD 19-01, be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

**Vote: unanimous 7 to 0.**

13. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 23-11: Brian and Tamara Horst. A special consideration to PUD 79-02 to reduce the setback from 25 feet to 8 feet on the west (rear) and southwest (rear) lot line(s) for a house addition and to bring an existing accessory structure (a shed) into compliance in the Trailwood Village Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Lot 10, Block 21, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant applied for a Special Consideration to Trailwood Village Planned Unit Development to reduce the setback for a house addition and to bring an existing accessory structure into compliance.

Staff recommended to deny Special Consideration to Trailwood Village Planned Unit Development / 23-11, as no special conditions exist on the property that would excuse literal enforcement of the Pennington County Zoning Ordinance.

If the Planning Commission disagrees, staff recommended the following six (6) conditions be included:

1. That the applicant must provide an engineered, stamped survey for the site plan with setbacks marked before a Building Permit application will be accepted by the Pennington County Planning Department.
2. That the setback(s) only apply to the west (rear) and southwest (rear) lot line(s) for a house addition and to bring an existing accessory structure (a shed) into compliance;
3. That the rear yard setback(s) be reduced from 25 feet to 8 feet and only apply to the proposed house addition and to the existing shed on Lot 10, Block 21 of Trailwood Village Subdivision;
4. 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;
5. That the address on the applicant's home be properly posted so it is visible from Preston Place in accordance with Pennington County's Ordinance #20; and,
6. That this Special Consideration be reviewed in 1 year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

**Moved by Coleman and seconded by Lewis to continue Special Consideration to Trailwood Village Planned Unit Development / 23-11 to the October 10, 2023, Planning Commission meeting in order for the applicant to provide signatures of neighboring property owners that are not opposed to the request.**

14. CONDITIONAL USE PERMIT / CU 23-32: Saint Patrick, LLC; Doyle Estes - Agent. To allow a manager/caretaker's residence on the subject property in a Commercial District in accordance with the Pennington County Zoning Ordinance.

Lot B of NW1/4NE1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit to allow a manager/caretaker's residence on the subject property.

Staff recommended to continue Conditional Use Permit / CU 23-32 to the October 10, 2023, Planning Commission meeting to allow staff time to work with the applicant to address concerns.

Discussion followed.

**Moved by Burton and seconded by Coleman to continue Conditional Use Permit / CU 23-32 to the October 10, 2023, Planning Commission meeting to allow staff time to work with the applicant to address concerns.**

**All voting aye, the Motion carried 7 to 0.**

15. CONDITIONAL USE PERMIT / CU 23-30: Jack and Katherine Egge. To allow a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 29, Block 5, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the September 11, 2023, Planning Commission meeting.)

Talmage reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 23-30 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR), be limited to four people and the maximum daytime occupancy be limited to eight people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
3. That the guest(s) receive permission from the local contact to utilize the fire pit, and all fire restrictions be followed at all times as pertaining to the fire pit;
4. That the applicant provide the phone number and/or internet site address providing the current day's fire conditions and restrictions, as pertaining to the use of a fire pit;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of one off-street parking space per bedroom be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;

9. That the lot address (13025 Pine Cliff Drive) be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Pine Cliff Drive, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Sally Kelts, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Lewis and seconded by McGregor to approve of Conditional Use Permit / CU 23-30 with the following fifteen (15) conditions:**

- 1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR), be limited to four people and the maximum daytime occupancy be limited to eight people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;**
- 3. That the guest(s) receive permission from the local contact to utilize the fire pit, and all fire restrictions be followed at all times as pertaining to the fire pit;**



4. That the applicant provide the phone number and/or internet site address providing the current day's fire conditions and restrictions, as pertaining to the use of a fire pit;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of one off-street parking space per bedroom be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (13025 Pine Cliff Drive) be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Pine Cliff Drive, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Sally Kelts, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,

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

**All voting aye, the Motion carried 7 to 0.**

16. REZONE / RZ 23-12: Richard and Christine Vanness. To rezone 5 acres from Agriculture District to Ranchette District in accordance with the Pennington County Zoning Ordinance.

Commencing at the northeast corner of existing Lot M of the SW1/4SW1/4 of Section 14 and the SE1/4SE1/4 of Section 15, T1N, R5E, B.H.M., Pennington County, South Dakota, said corner being a found pipe in place, Thence proceeding as follows: Following the east line of said Lot M S02°26'56"W a distance of 271.89' to a point on the east line of Lot M, said point being the point of beginning of the herein described tract; Thence S02°25'55"W a distance of 591.70' to a rebar found in place, said rebar being the southeast corner of said Lot M; Thence following the south line of said Lot M N87°17'59"W a distance of 381.79' to a point on the south line of Lot M; Thence departing said south line N05°03'08"E a distance of 592.58'; Thence S87°14'13"E a distance of 354.70' to the point of beginning, the herein describe tract containing 5.00 acres more or less; Section 14, T1N, R5E, BHM, Pennington County, South Dakota in accordance with the Pennington County Zoning Ordinance.

Talmage reviewed the Staff Report indicating the applicant applied to rezone 5 acres from Agriculture District to Ranchette District.

Staff recommended approval of Rezone / RZ 23-12.

Discussion followed.

**Moved by McGregor and seconded by Coleman to approve of Rezone / RZ 23-12.**

**All voting aye, the Motion carried 7 to 0.**

17. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-06: Rockerville Gold Town, LLC, Pat Hall. To review an amendment to an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westbound less Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the August 28, 2023, Planning Commission meeting.)

Molitor stated this item was continued from the August 28, 2023, Planning Commission meeting to allow the applicant time to address concerns of Staff.

Staff recommended to continue Major Planned Unit Development Amendment Review / PU 19-06 to the October 10, 2023, Planning Commission meeting to allow the applicant time to address Staff concerns.

Discussion followed.

**Moved by Lewis and seconded by Kuehn to continue Major Planned Unit Development Amendment Review / PU 19-06 to the October 10, 2023 Planning Commission meeting to allow the applicant time to address Staff concerns.**

**All voting aye, the Motion carried 7 to 0.**

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 11, 2023, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

20. ITEMS FROM THE STAFF

There were no items from staff.

21. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

22. ADJOURNMENT

**Moved by McGregor and seconded by Lasseter to adjourn.**

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 9:50 a.m.**

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Charlie Johnson, Chairperson