

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 11, 2021 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Charlie Johnson, Karen McGregor, Jim Coleman, Sande Runde, Mikal Lewis, and Travis Lasseter.

STAFF PRESENT: Brittney Molitor, Madisen Ransom, Chutina Supboon, Jason Theunissen, Jeri Ervin, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 27, 2021, MINUTES
Moved by Johnson and seconded by Runde to approve the Minutes of the September 27, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Lasseter to approve the Agenda of the October 11, 2021, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by McGregor and seconded by Runde to approve the Consent Agenda of the October 11, 2021, Planning Commission meeting. 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 05-14:** Desirae Kursave. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208-C-19 and 510 of the Pennington County Zoning Ordinance.

N1/2 of Lot A of Lot 4; Lot B of Lot 4; Lot C of Lot 4, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 05-14 to the December 13, 2021, Planning Commission meeting with the following two (2) conditions:

1. **That the applicant removes or licenses all vehicles on the property; and,**
2. **That this Conditional Use Permit be reviewed at the December 13, 2021, Planning Commission meeting.**

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 09-37:** Kim Smith/I-90 Cold Storage. To review a 122 foot tall wind generator (total height) in a Heavy Industrial District in accordance with Sections 212-C and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract B in N1/2SE1/4 and the west 606.12 feet of Lot H-2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 09-37, as it is no longer needed.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

5. **CONDITIONAL USE PERMIT / CU 21-57:** Kevin and DiAnn Killion. To allow for two primitive seasonal cabins to be used as bunkhouses on the subject property for no more than 180 days each calendar year in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That Part of NE1/4SW1/4NE1/4 lying North of Rochford Road, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for two primitive seasonal cabins to be used as bunkhouses on the subject property for no more than 180 days each calendar year.

Staff recommended approval of Conditional Use Permit / CU 21-21 with the following seven (7) conditions:

1. That the applicant applies for a Building Permit for each of the bunkhouses and pays all applicable penalty fees prior to or at the same time as a Building Permit for the main residence;
2. That a Building Permit is required for any structure over 144 square feet or permanently anchored to the ground;
3. That the rental or lease of the bunkhouses or the use of the bunkhouses as a permanent residence or a second single-family residence on the premises is prohibited;
4. That the bunkhouses shall not be used for more than 180 days per calendar year;
5. That an address be assigned to each bunkhouse and the addresses assigned to the primary residence and the bunkhouses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;

6. 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,
7. 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 Coleman to approve of Conditional Use Permit / CU 21-21 with the following seven (7) conditions:

1. **That the applicant applies for a Building Permit for each of the bunkhouses and pays all applicable penalty fees prior to or at the same time as a Building Permit for the main residence;**
2. **That a Building Permit is required for any structure over 144 square feet or permanently anchored to the ground;**
3. **That the rental or lease of the bunkhouses or the use of the bunkhouses as a permanent residence or a second single-family residence on the premises is prohibited;**
4. **That the bunkhouses shall not be used for more than 180 days per calendar year;**
5. **That an address be assigned to each bunkhouse and the addresses assigned to the primary residence and the bunkhouses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;**
6. **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,**
7. **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 7 to 0.

6. CONDITIONAL USE PERMIT / CU 21-58: Daniel and Michael Wharton. To allow an accessory dwelling unit on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2R, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / CU 21-58 with the following sixteen (16) conditions:

1. That only one (1) Accessory Dwelling Unit (ADU) be allowed on the property;
2. That the applicants obtain an approved Building Permit for the ADU;
3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;
4. That the ADU has a residential appearance, has its own assigned address, and not be a Recreational Vehicle;
5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Twisted Oak Trail so they are clearly visible, in accordance with Pennington County Ordinance #20;
6. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
7. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
9. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
10. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
11. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
12. That at least one (1) off-street parking space be provided for the ADU;
13. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Zoning Ordinance;
14. 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;

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; and,
16. 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 Runde and seconded by McGregor to approve of Conditional Use Permit / CU 21-58 with the following sixteen (16) conditions:

- 1. That only one (1) Accessory Dwelling Unit (ADU) be allowed on the property;**
- 2. That the applicants obtain an approved Building Permit for the ADU;**
- 3. That the ADU *not* exceed 2 stories, 2 bedrooms, or 700 square feet;**
- 4. That the ADU has a residential appearance, has its own assigned address, and not be a Recreational Vehicle;**
- 5. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Twisted Oak Trail so they are clearly visible, in accordance with Pennington County Ordinance #20;**
- 6. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);**
- 7. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;**
- 8. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;**
- 9. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;**
- 10. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;**
- 11. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;**
- 12. That at least one (1) off-street parking space be provided for the ADU;**

13. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Zoning Ordinance;
14. 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;
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; and,
16. 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 7 to 0.

7. CONDITIONAL USE PERMIT / CU 21-59: David Kiewell and Christine Lepore. To allow an accessory structure, a shed, prior to a primary structure on the subject property in a Suburban Residential District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Berry Development Subdivision, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

Ransom reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure, a shed, prior to a primary structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-59 with the following ten (10) conditions:

1. That the applicant apply for Building Permits for the existing gazebo and shed within 30 days of approval of this Conditional Use Permit and pay any associated penalty fees;
2. That the Recreational Vehicles may be stored on the property but not used as temporary living quarters without an approved Conditional Use Permit;
3. That an address be assigned for the existing shed and properly posted in accordance with Penning County Ordinance #20;
4. That the applicant obtains an approved Approach Permit from the Pennington County Highway Department;

5. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
6. 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;
7. 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;
8. That the applicant adheres to Pennington County Zoning Ordinance § 510;
9. That the property remain free of junk and debris; and,
10. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Conditional Use Permit / CU 21-59 with the following ten (10) conditions:

- 1. That the applicant apply for Building Permits for the existing gazebo and shed within 30 days of approval of this Conditional Use Permit and pay any associated penalty fees;**
- 2. That the Recreational Vehicles may be stored on the property but not used as temporary living quarters without an approved Conditional Use Permit;**
- 3. That an address be assigned for the existing shed and properly posted in accordance with Penning County Ordinance #20;**
- 4. That the applicant obtains an approved Approach Permit from the Pennington County Highway Department;**
- 5. That the minimum setback requirements for a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;**
- 6. 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;**
- 7. 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;**
- 8. That the applicant adheres to Pennington County Zoning Ordinance § 510;**

9. That the property remain free of junk and debris; and,
10. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

8. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-13: Blue Wing Recreation Corporation. To amend the existing Planned Unit Development to reduce the setbacks to the interior lot lines from 25 feet to 0 feet in accordance with Section 216 of the Pennington County Zoning Ordinance.

All Less the North 10 acres and less Tract 0129C of Malory Lode MS 1483 of Section 13, T1S, R5E; Less N10 Acres of Ajax #1 Lode MS 1483; Part of Ajax #3 Lode MS 1483; Part of Just MS 1483; Part of Hudson Lode MS 1483 of Section 18, T1S, R6E; Part of Just Lode MS 1483; Part of Ajax #3 Lode MS 1483; Part of Hudson Lode MS 1483; Tract 0129A; Boulder #3 Lode MS 1483 of Section 13, T1S, R5E; BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Minor Planned Unit Development Amendment to amend the existing Planned Unit Development to reduce the setbacks to the interior lot lines from 25 feet to 0 feet.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 21-13 with the following nine (9) conditions:

1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;
2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a building permit which will include necessary site plans to be reviewed and approved by the Planning Director;
3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;
4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;
5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the

intersection of Blue Lead Mountain Road to Blue Wing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;

6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 10 feet from access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;
7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,
9. That this Minor Planned Unit Development be reviewed on a complaint basis only.

Discussion followed.

Moved by Runde and seconded by Lewis to approve of Minor Planned Unit Development Amendment / PU 21-13 with the following nine (9) conditions:

- 1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;**
- 2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a building permit which will include necessary site plans to be reviewed and approved by the Planning Director;**
- 3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;**
- 4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;**
- 5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Blue Wing Road to a**

driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;

- 6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 10 feet from access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;**
- 7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;**
- 8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,**
- 9. That this Minor Planned Unit Development be reviewed on a complaint basis only.**

All voting aye, the Motion carried 7 to 0.

Commissioner Lasseter left the meeting at 9:37 a.m.

Commissioner Lasseter returned to the meeting at 9:39 a.m.

9. CONDITIONAL USE PERMIT / CU 21-56: Alex and Holly Niemann, ANH Enterprises, Inc. To allow for the rental of 36 UTVs (6 back-ups) and 6 slingshots to include a washing area, parking area, and 36-40 employees in a Highway Service District in accordance with Sections 212 and 506 of the Pennington County Zoning Ordinance.

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

(Continued from the September 27, 2021, Planning Commission meeting.)

Theuinness reviewed the Staff Report indicating this item was continued from the September 27, 2021, Planning Commission meeting to address concerns of the Planning Commission.

Staff recommended approval of Conditional Use Permit / CU 21-56 with the following twenty-four (24) conditions:

1. That the permitted use be limited to the rental of 48 vehicles, to include 36 primary UTVs, 6 reserve UTVs, and 6 Slingshot roadsters;
2. That within 30 days of approval, the applicant obtains current Operating Permits for the two (2) On-site Wastewater Treatment Systems;

3. That all assigned addresses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;
4. That access to the site be only from the approved South Dakota Department of Transportation (SDDOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;
5. That at least 88 off-street parking spaces be designated, to include 48 off-street parking spaces for UTVs and Slingshots, 20 off-street parking spaces for customers and 20 additional parking spaces for employees, per Pennington County Zoning Ordinance (PCZO) § 310;
6. That all UTVs and Slingshots are to be parked on paved or gravel surfaces;
7. That any On-site Wastewater Treatment System comply with PCZO and SD Department of Agriculture and Natural Resources requirements (SD DANR);
8. That the days of operation for the rentals be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 7 a.m. and 7 p.m. only;
9. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
10. That the UTVs be thoroughly cleaned after use, to prevent the spread of invasive weeds;
11. That a designated equipment wash area be designated and utilized to ensure no runoff is allowed to exit the subject property or enter into any waters of the state;
12. That by April 1, 2022, a wash system, to include water traps, be installed to mitigate noise and prevent runoff from exiting the subject property or entering into any waters of the state.
13. That any solid waste accumulated from washing operations be disposed of properly;
14. That any used chemicals accumulated from vehicle maintenance be disposed of properly;
15. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the UTV rental or maintenance so it is accessible at all times;
16. That fueling operations for the UTVs and Slingshots occur off-site;
17. That vehicle maintenance be performed within a designated structure and that no junk or parts be allowed to accumulate on the subject property;

18. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
19. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
20. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a sales tax license from the South Dakota Department of Revenue;
21. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;
22. 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;
23. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
24. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in March 2022 to ensure all proposed improvements to the subject property are completed prior to seasonal operations beginning on April 15, 2022.

Discussion followed.

Commissioner Runde left the meeting at 9:46 a.m.

Commissioner Runde returned to the meeting at 9:49 a.m.

Moved by McGregor and seconded by Coleman to approve of Conditional Use Permit / CU 21-56 with the following twenty-four (24) conditions:

- 1. That the permitted use be limited to the rental of 48 vehicles, to include 36 primary UTVs, 6 reserve UTVs, and 6 Slingshot roadsters;**
- 2. That within 30 days of approval, the applicant obtains current Operating Permits for the two (2) On-site Wastewater Treatment Systems;**
- 3. That all assigned addresses be posted so they are clearly visible, in accordance with Pennington County Ordinance #20;**

4. That access to the site be only from the approved South Dakota Department of Transportation (SDDOT) approved approach and any additional approaches off of Highway 385 be approved by SDDOT;
5. That at least 88 off-street parking spaces be designated, to include 48 off-street parking spaces for UTVs and Slingshots, 20 off-street parking spaces for customers and 20 additional parking spaces for employees, per Pennington County Zoning Ordinance (PCZO) § 310;
6. That all UTVs and Slingshots are to be parked on paved or gravel surfaces;
7. That any On-site Wastewater Treatment System comply with PCZO and SD Department of Agriculture and Natural Resources requirements (SD DANR);
8. That the days of operation for the rentals be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 7 a.m. and 7 p.m. only;
9. That prior to the placement of any on-premise signs, the applicant must adhere to PCZO § 312;
10. That the UTVs be thoroughly cleaned after use, to prevent the spread of invasive weeds;
11. That a designated equipment wash area be designated and utilized to ensure no runoff is allowed to exit the subject property or enter into any waters of the state;
12. That by April 1, 2022, a wash system, to include water traps, be installed to mitigate noise and prevent runoff from exiting the subject property or entering into any waters of the state.
13. That any solid waste accumulated from washing operations be disposed of properly;
14. That any used chemicals accumulated from vehicle maintenance be disposed of properly;
15. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the UTV rental or maintenance so it is accessible at all times;
16. That fueling operations for the UTVs and Slingshots occur off-site;
17. That vehicle maintenance be performed within a designated structure and that no junk or parts be allowed to accumulate on the subject property;

18. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
19. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
20. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a sales tax license from the South Dakota Department of Revenue;
21. That no disturbance within the boundaries of the FEMA designated Special Flood Hazard Area or Floodway occur without an approved Floodplain Development Permit;
22. 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;
23. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
24. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in March 2022 to ensure all proposed improvements to the subject property are completed prior to seasonal operations beginning on April 15, 2022.

All voting aye, the Motion carried 7 to 0.

10. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To amend the existing Planned Unit Development to request changes to the Conditions of Approval (Conditions 4, 7, 11, 12, 14, 16, 17, 18, 19, 22, 24, 26, 27, 28, 30, and 44) to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage, gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of

private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to amend the existing Planned Unit Development to request changes to the Conditions of Approval (Conditions 4, 7, 11, 12, 14, 16, 17, 18, 19, 22, 24, 26, 27, 28, 30, and 44).

Staff recommended approval of Major Planned Unit Development Amendment / PU 16-03 with the following forty-five (45) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
2. That the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] ensure the residential character of the property is maintained;
3. That daily and event operations be conducted by owners, on-site manager, and staff as necessary;
4. That all natural drainage paths be continually maintained;
5. That the business sign, the one proposed, by the applicant, for placement on the brick wall, which directs attention to the Inn shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign square feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
6. That prior to the placement of any on and off-premise signs by the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee], the applicant must obtain approval of a Sign Permit. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native

woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer prior to the issuance of a Sign Permit issued by the Planning Director;

7. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10, 11, 12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;
8. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20;
9. That the applicant maintain an 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 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45;
11. That Summer Creek Drive have a 24-foot-wide driving surface and four (4) inches of gravel; the other two-way roads, within the PUD, have 16- to 18-foot-wide driving surfaces, with four (4) inches of gravel; and all one-way roads, have a 12-foot-wide driving surface, with four (4) inches of gravel. The responsible Street Authority shall meet or exceed roadway requirements, per State and County regulations;
12. That the intensity and duration of sounds from any and all sources, within the lots of the Planned Unit Development, are in compliance with South Dakota Codified Law 22-18-35;
13. That quiet hours for all non-residential lots in the Planned Unit Development / PU 16-03, be from 11:00 p.m. to 7:00 a.m. on Friday and Saturday and from 10:00 p.m. to 7:00 a.m. Sunday through Thursday;
14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That any Specialty Resort, Bed and Breakfast or Vacation Home Rental within Planned Unit Development / PU 16-03, obtain all necessary permits from other governing bodies for operation of a Specialty Resort, Bed and Breakfast or Vacation Home Rental including, but not limited to, approval from the South

Dakota Department of Health and Sales Tax License from the South Dakota Department of Revenue;

16. That a smoke detector be placed in each sleeping room utilized for a Specialty Resort, Bed and Breakfast or Vacation Home Rental with a minimum of at least one (1) smoke detector per floor;
17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of a Specialty Resort, Bed and Breakfast, or Vacation Home Rental so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
18. That the maximum number of people staying at any Specialty Resort, Bed and Breakfast establishment or Vacation Home Rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Recourses;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental(s);
21. That all onsite wastewater treatment systems require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
22. 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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development / PU 16-03;
23. That for structures located on Lots 10, 11, and 12 a portable fire extinguisher with a minimum 2 A-BC rating shall be placed at each exit door and shall be inspected and tagged annually; records of said inspection shall be maintained. Fire extinguishers shall be permanently mounted 5'3" from the floor or the ground to the gauge, each Exit Door shall be unlocked during occupancy; each Exit Door in the commons area shall be equipped with Panic Hardware or with Self Closing swing away door with push plates opening to the outside allowing unobstructed exiting of the area by patrons; each Exit Door area shall be equipped with emergency exit lightning; that a minimum of one 36-unit first aid kit be provided and accessible to the public at all times; First aid kit needs to be inspected monthly with consumables and dated items replaced as needed. Appropriate records are to be maintained that no open fire shall be permitted, unless approved and granted a permit by the South Dakota Division of Wildland Fire. (Phone: 605-393-8011/2582/2583) Copies of the permit shall be available for inspection during normal business hours or anytime the Camp Fire Permit is in use by the Johnson

Siding Fire Chief and or his designated representative; that barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property.

24. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;
25. That written approval from the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] be obtained prior to issuance of permits;
26. That Lots 3, 4, 10, 11 and 12 of Planned Unit Development / PU 16-03 be a Specialty Resort and event structure with up to 10 guest rooms, and events such as: weddings, receptions, corporate events, family reunions, bridal and baby showers, Christmas parties and other types of gatherings similar in nature, up to a maximum of 150 daily guests. The Specialty Resort would also be allowed to have: Beer and wine sales (with proper permits), a bistro/Restaurant, gift shop, spa cabana/gazebo, storage shed, event structure, kitchen, bathrooms and to also be used for a Vacation Home Rental in accordance with PCZO Section 319 and private single-family residence;
27. That the event structure, referred to in Condition #25, shall be for the existing 40'x100' event area that is currently covered by the 40'x100' temporary membrane tent and used as open space and covers the existing kitchen and bathroom. The event structure shall be made of six (6) inch thick insulated stick-built sides, which tie into the existing stick-built kitchen and bathroom structure. A temporary membrane roof shall be permitted to remain until September 2021 and shall be replaced with a stick-built roof, so that no temporary membrane is in use for the event structure;
28. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow of the following with approved permits: single-family dwelling, Vacation Home Rental; Bed and Breakfast, or Specialty Resort;
29. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, in accordance with PCZO §306 or for one (1) of the following with approved permits: single-family dwelling, Vacation Home Rental, Bed and Breakfast, and Specialty Resort. The existing on-site wastewater treatment systems must comply with the PCZO §204-J;
30. That Lots 19 and 22 each allow for one (1) of the following with approved permits: single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, Bed and Breakfast, and Specialty Resort;
31. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, Bed and Breakfast, Specialty Resort, and

- easement (with property permits) for future underground holding tanks for designed and engineered water system;
32. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters living quarters within a detached accessory building, duplex, Vacation Home Rental, Bed and Breakfast, and Specialty Resort;
 33. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: Specialty Resort, Bed and Breakfast, single-family dwelling, and Vacation Home Rental;
 34. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, Specialty Resort, Bed and Breakfast, single-family dwelling and Vacation Home Rental;
 35. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
 36. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
 37. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
 38. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
 39. That Lot 29 has a fifteen (15) foot front, rear and side yard setbacks;
 40. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
 41. That proposed Guest Houses, on specified lots, must comply with PCZO §318;
 42. That Vacation Home Rentals must comply with PCZO §319;
 43. That Bed and Breakfast establishments must comply with PCZO §323.
 44. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval; and,
 45. That this Planned Unit Development be reviewed in two years or upon complaint of violation of applicable provisions of the Zoning Ordinance or PU 16-03, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Major Planned Unit Development Amendment / PU 16-03, with amended language to Condition #27, with the following forty-five (45) conditions:

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] ensure the residential character of the property is maintained;**
- 3. That daily and event operations be conducted by owners, on-site manager, and staff as necessary;**
- 4. That all natural drainage paths be continually maintained;**
- 5. That the business sign, the one proposed, by the applicant, for placement on the brick wall, which directs attention to the Inn shall be allowed with an approved Sign Permit. Such sign shall not exceed the area of the existing subdivision sign square feet and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;**
- 6. That prior to the placement of any on and off-premise signs by the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee], the applicant must obtain approval of a Sign Permit. That every effort will be made for signs within the PUD to use natural materials, i.e. stone, concrete, native woods and blend into the surrounding area and to have a minimal impact. Signs must be approved in writing by Developer prior to the issuance of a Sign Permit issued by the Planning Director;**
- 7. That the following be permissible, with approved Sign Permits reviewed and signed by the Planning Director (where applicable): an existing and approved development/subdivision entrance sign located on Lot 3; two (2) additional entrance signs immediately off of Carbon Loop Road; one (1) event site sign located on retaining wall on Lots 10, 11, 12, similar to the development sign; and other signs as needed. All signs within the PUD must comply with the Pennington County Sign Ordinance unless otherwise specified within PUD 16-03;**
- 8. That the address be properly and continually posted on both the residence and at the approach, for all structures with addresses, so it be visible in both directions of the approach, accordance with Pennington County's Ordinance #20;**

9. That the applicant maintain an 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 34 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance. Existing and approved required parking for 150 guests must be located on Lots 3, 4, 10, 11, and 12 with over flow parking on Lot 45;
11. That Summer Creek Drive have a 24-foot-wide driving surface and four (4) inches of gravel; the other two-way roads, within the PUD, have 16- to 18-foot-wide driving surfaces, with four (4) inches of gravel; and all one-way roads, have a 12-foot-wide driving surface, with four (4) inches of gravel. The responsible Street Authority shall meet or exceed roadway requirements, per State and County regulations;
12. That the intensity and duration of sounds from any and all sources, within the lots of the Planned Unit Development, are in compliance with South Dakota Codified Law 22-18-35;
13. That quiet hours for all non-residential lots in the Planned Unit Development / PU 16-03, be from 11:00 p.m. to 7:00 a.m. on Friday and Saturday and from 10:00 p.m. to 7:00 a.m. Sunday through Thursday;
14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That any Specialty Resort, Bed and Breakfast or Vacation Home Rental within Planned Unit Development / PU 16-03, obtain all necessary permits from other governing bodies for operation of a Specialty Resort, Bed and Breakfast or Vacation Home Rental including, but not limited to, approval from the South Dakota Department of Health and Sales Tax License from the South Dakota Department of Revenue;
16. That a smoke detector be placed in each sleeping room utilized for a Specialty Resort, Bed and Breakfast or Vacation Home Rental with a minimum of at least one (1) smoke detector per floor;
17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of a Specialty Resort, Bed and Breakfast, or Vacation Home Rental so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;

18. That the maximum number of people staying at any Specialty Resort, Bed and Breakfast establishment or Vacation Home Rental be in compliance with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Recourses;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That the physical address of each structure be posted in each guest room utilized for Bed and Breakfasts, the Specialty Resort, and Vacation Home Rental(s);
21. That all onsite wastewater treatment systems require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources and must be in compliance with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
22. 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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development / PU 16-03;
23. That for structures located on Lots 10, 11, and 12 a portable fire extinguisher with a minimum 2 A-BC rating shall be placed at each exit door and shall be inspected and tagged annually; records of said inspection shall be maintained. Fire extinguishers shall be permanently mounted 5'3" from the floor or the ground to the gauge, each Exit Door shall be unlocked during occupancy; each Exit Door in the commons area shall be equipped with Panic Hardware or with Self Closing swing away door with push plates opening to the outside allowing unobstructed exiting of the area by patrons; each Exit Door area shall be equipped with emergency exit lightning; that a minimum of one 36-unit first aid kit be provided and accessible to the public at all times; First aid kit needs to be inspected monthly with consumables and dated items replaced as needed. Appropriate records are to be maintained that no open fire shall be permitted, unless approved and granted a permit by the South Dakota Division of Wildland Fire. (Phone: 605-393-8011/2582/2583) Copies of the permit shall be available for inspection during normal business hours or anytime the Camp Fire Permit is in use by the Johnson Siding Fire Chief and or his designated representative; that barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property.
24. That no on-street vehicular parking shall be permitted, except in accordance with reasonable standards, which may be established by the Road District and may be reviewed by local Public Safety agencies to ensure emergency vehicle pass-ability on the interior roadways;

25. That written approval from the Developer [hereafter known as Century Construction LLC and/or its successor or the Custer Trail Subdivision One Home Owners architectural review committee] be obtained prior to issuance of permits;
26. That Lots 3, 4, 10, 11 and 12 of Planned Unit Development / PU 16-03 be a Specialty Resort and event structure with up to 10 guest rooms, and events such as: weddings, receptions, corporate events, family reunions, bridal and baby showers, Christmas parties and other types of gatherings similar in nature, up to a maximum of 150 daily guests. The Specialty Resort would also be allowed to have: Beer and wine sales (with proper permits), a bistro/Restaurant, gift shop, spa cabana/gazebo, storage shed, event structure, kitchen, bathrooms and to also be used for a Vacation Home Rental in accordance with PCZO Section 319 and private single-family residence;
27. That the event structure, referred to in Condition #26, shall be for the existing 40' x 100' event area that is currently covered by the 40' x 100' membrane tent and used as open space and covers the existing kitchen and bathroom. The event structure shall be made of six (6) inch thick insulated stick-built sides, which tie into the existing stick-built kitchen and bathroom structure. A membrane roof shall be permitted to remain;
28. That Lots 13, 14, 15, 16, 17, 18, 20, 21, 28, 29, 30-37, and 41 each allow of the following with approved permits: single-family dwelling, Vacation Home Rental; Bed and Breakfast, or Specialty Resort;
29. That Lot 7 allow for three (3) Recreational Vehicle (RV) sites, not to include Park Models, in accordance with PCZO §306 or for one (1) of the following with approved permits: single-family dwelling, Vacation Home Rental, Bed and Breakfast, and Specialty Resort. The existing on-site wastewater treatment systems must comply with the PCZO §204-J;
30. That Lots 19 and 22 each allow for one (1) of the following with approved permits: single-family residence with guest house living quarters within a detached accessory building, duplex, Vacation Home Rental, Bed and Breakfast, and Specialty Resort;
31. That Lot 23B allow for one (1) of the following with approved permits: Single-family dwelling, Vacation Home Rental, Bed and Breakfast, Specialty Resort, and easement (with property permits) for future underground holding tanks for designed and engineered water system;
32. That Lot 27 allow for one (1) of the following with approved permits: the existing garage/accessory building, single-family dwelling with guest quarters living quarters within a detached accessory building, duplex, Vacation Home Rental, Bed and Breakfast, and Specialty Resort;

33. That Lots 41, 42, 43, and 44 allow for one (1) of the following with approved permits: Specialty Resort, Bed and Breakfast, single-family dwelling, and Vacation Home Rental;
34. That Lot 45 allow for one (1) of the following with approved permits (if applicable): parking lot, Specialty Resort, Bed and Breakfast, single-family dwelling and Vacation Home Rental;
35. That Lots 3-4 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
36. That Lots 7, 13, 14, 15, 17, 18, 27, 28, 32, 33, 34, 36, 37, 41, 42, 44 and 45 have a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
37. That Lots 10, 11, 12 have a zero (0) foot setback on all interior lot lines, a fifteen (15) foot front and rear yard setback, and a ten (10) foot side yard setback;
38. That Lots 20, 21, 30, 31, 35 and 43 have a ten (10) foot setback on all property lines and that this PUD replaces any existing setback requirements previously approved;
39. That Lot 29 has a fifteen (15) foot front, rear and side yard setbacks;
40. That Lots 16, 19, 22 and 23B have a fifteen (15) foot front, rear and side yard setback on all property lines not adjacent to the Right-of-Way. Lot lines adjacent to the Right-of-Way will have a zero (0) foot setback;
41. That proposed Guest Houses, on specified lots, must comply with PCZO §318;
42. That Vacation Home Rentals must comply with PCZO §319;
43. That Bed and Breakfast establishments must comply with PCZO §323;
44. That the Planning Director has the final determination on the location of Lot Setbacks and on the interpretation of conflicting Conditions of Approval; and,
45. That this Planned Unit Development be reviewed in two years or upon complaint of violation of applicable provisions of the Zoning Ordinance or PU 16-03, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

11. ORDINANCE AMENDMENT / OA 21-18: Pennington County. To add Section 329 - Prescreening Procedure for Marijuana Licenses to the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 329 – Prescreening Procedure for Marijuana Licenses to the Zoning Ordinance.

Discussion followed.

Commissioner McGregor left the meeting at 10:30 a.m.
Commissioner McGregor returned to the meeting at 10:32 a.m.

Moved by Coleman and seconded by Johnson to approve of Ordinance Amendment / OA 21-18 with minor changes.

All voting aye, the Motion carried 7 to 0.

12. ORDINANCE AMENDMENT / OA 21-19: Pennington County. To amend Section 511 -A-1 Fees [to amend and supersede the existing Section 511-A-1 Fees] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 511 -A-1 - Fees of the Zoning Ordinance.

Discussion followed.

Moved by Coleman and seconded by McGregor to approve of Ordinance Amendment / OA 21-19.

All voting aye, the Motion carried 7 to 0.

13. ORDINANCE AMENDMENT / OA 21-20: Pennington County. To amend Section 216 - Planned Unit Development District [to amend and supersede the existing Section 216 - Planned Unit Development District] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 216 – Planned Unit Development District of the Zoning Ordinance.

Discussion followed.

Moved by Johnson and seconded by McGregor to approve of Ordinance Amendment / OA 21-20.

All voting aye, the Motion carried 7 to 0.

14. ORDINANCE AMENDMENT / OA 21-21: Pennington County. To add Ordinance No. 735 - Pennington County Building Code and Construction Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to add Ordinance No. 735 - Pennington County Building Code and Construction Ordinance.

Discussion followed.

Commissioner Runde left the meeting at 10:48 a.m.
Commissioner Runde returned to the meeting at 10:50 a.m.

Moved by Johnson and seconded by Coleman to continue to approve of Ordinance Amendment / OA 21-21 to the October 25, 2021, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their September 27th meeting with the exception of:

REZONE / RZ 21-26: Pink Cabin, LLC; KTM Design - Agent. To rezone 6.68 acres from Suburban Residential District to Urban Residential District. This Rezone was approved by the Board of Commissioners.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

A. Building Permit Report. Molitor reviewed the Building Permit Report for September 21, 2021.

18. ITEMS FROM THE MEMBERSHIP

Chairman Marsh welcomed our new Planning Commissioner, Mikal Lewis. Chairman Marsh further stated he may not be in attendance at the October 25th PC meeting.

19. ADJOURNMENT

Moved by Runde and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:14 a.m.

Rich Marsh, Chairperson