

**MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
October 23, 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 Lloyd LaCroix.

STAFF PRESENT: Brittney Molitor, Megan Talmage, TJ Doreff, Jason Theunissen, Christine Phillip, Cody Sack, Kim Baxter, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE OCTOBER 10, 2023 MINUTES

**Moved by McGregor and seconded by Coleman to approve the Minutes of the October 10, 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 October 23, 2023, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Burton and seconded by Coleman to approve the Consent Agenda of the October 23, 2023, Planning Commission meeting with the removal of Item #3. Vote: unanimous 7 to 0.**

**CONSENT AGENDA**

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 20-18:** Wild Springs Solar, LLC. To review a utility-scale solar energy system in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

That PT of NE1/4 S of Chicago Northwestern RR; SE1/4 of Section 36, T2N, R10E; GL3-4; E1/2SW1/4, Less ROW of Section 31, T2N, R11E; GL 1-4; S1/2NE1/4; S1/2NW1/4, Less ROW of Section 1, T1N, R10E; GL 6-7; E1/2SW1/4, W1/2SE1/4; E1/2SE1/4 of Section 6, T1N, R11E; E1/2NE1/4; W1/2NE1/4, E1/2NW1/4; GL 1-4; NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4, Less ROW of Section 7, T1N, R11E; W1/2SW1/4; E1/2SW1/4 of Section 5, T1N, R11E; N1/2NE1/4, SE1/4NE1/4, S1/2SW1/4, E1/2SE1/4, SW1/4SE1/4, NW1/4, Less ROW of Section 9, T1N, R11E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 20-18 with the following twenty-seven (27) conditions:**

1. **That Building Permits are obtained for all solar modules prior to construction;**

2. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the Project area;
3. That the address of all operational structures (i.e. O&M building) be posted in accordance with Ordinance #20 following completion of the structure;
4. That setbacks from the property lines and all utilities be maintained for all structures located on the property, or an approved Setback Variance(s) be obtained;
5. That an approved Approach Permit(s) be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for CU 20-18;
6. That an approved Floodplain Development Permit is obtained prior to any disturbance or placement of structures in the designated Special Flood Hazard Area;
7. That a Storm Water Permit is obtained prior to any land disturbance;
8. That the applicant signs the Noxious Weed Plan and it be followed at all times;
9. That the design of the solar energy system must conform to applicable local, state and national solar codes and standards at all times;
10. That a Conditional Use Permit is obtained for the temporary contractor's equipment storage yard prior to construction of all solar modules;
11. That no junk material, vehicles, or debris is stored on the site at any given time;
12. That any natural drainage ways and paths be continually maintained;
13. That all exterior lights must use hoods and lens that cast light downward;
14. 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;
15. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
16. That the Planning Department is provided with the safety/access information in case of an emergency;
17. That the proposed structure(s) maintain the 35-foot height requirement, with the exception of utility poles as exempted in Section 204(E) of the PCZO, or an approved Variance(s) be obtained;

18. That the solar panels be non-reflective and unobtrusive at all times;
19. That temporary fencing is installed during construction to ensure livestock are protected;
20. That a Haul Road Agreement, if required, is in place with the County Highway Department prior to construction of the Project;
21. That all design and installation work shall comply with all applicable provisions in the National Electric Code, International Building Code, the International Residential Code, International Commercial Building Code, and state fire code;
22. That no advertising signage shall be placed on any portion of the solar facility;
23. That any on-site wastewater treatment system(s) are subject to the requirements of Section 331 of the Pennington County Zoning Ordinance;
24. That the solar facility, at no time, shall exceed 55 dBA as measured at the closest property line;
25. That once the Project's design is finalized, Wild Springs Solar, LLC must prepare and submit an updated decommissioning cost estimate to Pennington County;
26. That Wild Springs Solar, LLC provide an updated decommissioning cost estimate to Pennington County at the completion of year ten of operation and every five years thereafter, and Wild Springs Solar, LLC must adjust the financial security provided to align with the updated cost estimate; and,
27. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission.

**Vote: unanimous 7 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 21-60:** Jeff Slathar. To review a Home Occupation, a consulting and catering service, in an existing structure on the subject property, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SE1/4SE1/4, Section 34, T2N, R8E, BHM, Pennington County, South Dakota.

**To approve the review of Conditional Use Permit / CU 21-60 with the following fourteen (14) conditions:**

1. That the Home Occupation shall be operated completely within the existing accessory structure, a garage/shop;

2. That the home occupation appears secondary to the primary, residential use of the property;
3. That no business sign be posted on the property;
4. That the home occupation only be conducted by the applicant;
5. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
6. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;
7. That no on-premise retail sales be allowed;
8. That the home occupation, including all associated storage, be conducted entirely indoors;
9. That the applicant maintains current licenses with the South Dakota Department of Health and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
10. That an address be assigned for the structure of the Home Occupation and be properly posted on the structure and at the approach so it is visible in both directions from N Reservoir Road in accordance with Pennington County's Ordinance #20;
11. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
13. 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; and,
14. That this Conditional Use Permit be reviewed 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.

**Vote: unanimous 7 to 0.**

6. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 16-03:** Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review an existing Planned Unit Development 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 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.

**To recommend approval of the review 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, in 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 is 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 proper 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 upon complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to ascertain all the Conditions of Approval are being met.**

**END OF CONSENT AGENDA**

3. CONDITIONAL USE PERMIT REVIEW / CU 18-12: Edelweiss Mountain Lodging. Edelweiss Mountain Lodging / Marshall Mechaley. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 31 Revised, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

Staff requested this Item be removed from the Consent Agenda for discussion and to correct the numbered Conditions of Approval and the numbered items in the Analysis section in the Staff Report.

Staff recommend approval of the review of Conditional Use Permit / CU 18-12 with the following sixteen (16) conditions:

1. That each review of Conditional Use Permit / CU 12-18, be subject to PCZO § 511(P); which includes a \$100 fee per review;
2. 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;
3. That the maximum overnight occupancy, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12);
4. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicant continually maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;

6. That a minimum of two (2) off-street parking spaces continue to 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;
7. That an interior informational sign continues to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and additional contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address, 125 Heidelberg Lane, be properly posted on both the residence and at the approach so it is visible in both directions from Heidelberg Lane accordance with Pennington County's Ordinance #20;
9. 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 notify the Planning Department and send notice to all property owners within 500 feet via first class mail, per PCZO § 319 (F)(5);
10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. 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;
13. 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;
15. 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; and,
16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by McGregor and seconded by Coleman to approve the review of Conditional Use Permit / CU 18-12 with the following fifteen (15) conditions:**

- 1. That each review of Conditional Use Permit / CU 12-18, be subject to PCZO § 511(P); which includes a \$100 fee per review;**

2. 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;
3. That the maximum overnight occupancy, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12);
4. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicant continually maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of two (2) off-street parking spaces continue to 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;
7. That an interior informational sign continues to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and additional contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address, 125 Heidelberg Lane, be properly posted on both the residence and at the approach so it is visible in both directions from Heidelberg Lane accordance with Pennington County's Ordinance #20;
9. 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 notify the Planning Department and send notice to all property owners within 500 feet via first class mail, per PCZO § 319 (F)(5);
10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. 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;
13. 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;

14. 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; and,
15. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

7. 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.

(Continued from the October 10, 2023, Planning Commission meeting.)

Phillip stated this item was continued from the October 10, 2023, Planning Commission meeting to allow the applicant time to address concerns of the Planning Commission.

Phillip reviewed the Staff Report indicating the applicant has 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 / PU 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 and approves the request, 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 Lacroix and seconded by Kuehn to approve Special Consideration to Trailwood Village Planned Unit Development / PU 23-11. Roll Call Vote: Commissioners Johnson, Lacroix and Kuehn voted yes. Commissioners Coleman, McGregor, Burton and Lewis voted no. Motion to approve failed 4 to 3.**

8. CONDITIONAL USE PERMIT / CU 23-33: Wolfpack Holdings, LLC / Dennis Casey; Towey Design Group - Agent. To allow a multiple-family modular home on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Unplatted PT of SE1/4SE1/4 N. of Hwy Less Lot H2, Section 19, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the October 10, 2023, Planning Commission meeting.)

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a multiple-family modular home on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-33 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any further work being done on the duplex;
2. That a minimum of 4 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;
3. That the applicant adheres the requirement of PCZO § 303;
4. That the minimum setback requirements of Rural Residential be continually maintained on the property;
5. That addresses be assigned to the multi-family dwelling unit and be posted on the structure and at the end of driveway where it intersects Airport Road, in accordance with Pennington County Ordinance #20;

6. That the applicant obtain an Approach Permit prior to applying for a Building Permit.
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That at the time of submittal of the Building Permit, the applicant complete the Federal Aviation Administration Part 77 form;
9. That this Conditional Use Permit be reviewed in 6 months, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Burton and seconded by McGregor to approve Conditional Use Permit / CU 23-33 with the following nine (9) conditions:**

- 1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any further work being done on the duplex;**
- 2. That a minimum of 4 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;**
- 3. That the applicant adheres the requirement of PCZO § 303;**
- 4. That the minimum setback requirements of Rural Residential be continually maintained on the property;**
- 5. That addresses be assigned to the multi-family dwelling unit and be posted on the structure and at the end of driveway where it intersects Airport Road, in accordance with Pennington County Ordinance #20;**
- 6. That the applicant obtain an Approach Permit prior to applying for a Building Permit.**
- 7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 8. That at the time of submittal of the Building Permit, the applicant complete the Federal Aviation Administration Part 77 form;**
- 9. That this Conditional Use Permit be reviewed in 6 months, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

**All voting aye, the Motion carried 5 to 2. Commissioners Johnson, McGregor, Burton, Lewis and Kuehn voted yes. Commissioners Lloyd and Coleman voted no.**

**Moved by Coleman and seconded by McGregor to reconsider Item #7 Special Consideration to Trailwood Village Planned Unit Development / PU 23-11.**

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

Deputy State's Attorney, Alexa Moeller, advised the Planning Commission there was no action left on the table for Special Consideration to Trailwood Village Planned Unit Development / PU 23-11.

**Moved by Coleman and seconded by Burton to deny Special Consideration to Trailwood Village Planned Unit Development / PU 23-11, as there are no special conditions on the property that would excuse literal enforcement.**

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

9. CONDITIONAL USE PERMIT / CU 23-34: Benjamin and Katherine Lee. To allow an Accessory Dwelling Unit on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 5, Block 6, Paha Sapa High Country Tract 2, Section 18, T2N, R6E, BHM, Pennington County, South Dakota.

Sack 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 23-34 with the following sixteen (16) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the applicants obtain an approved Building Permit for the ADU;
3. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
4. That the ADU has a residential appearance and cannot 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 Aspen Drive so they are clearly visible, in accordance with Pennington County Ordinance #20;
6. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 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 in 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 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 Pennington County 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 within 30 days of approval the applicants obtain approved Building Permits for the ADU, tool shed, and loafing shed and pay all applicable penalty fees; and,
16. 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.

Commissioner Lacroix left the meeting at 9:50 a.m.

Commissioner Lacroix returned to the meeting at 9:51 a.m.

Discussion followed.

Commissioner Burton left the meeting at 9:55 a.m.

Commissioner Burton returned to the meeting at 9:57 a.m.

Moved by Lewis and seconded by Coleman to approve Conditional Use Permit / CU 23-34.

Discussion continued.

**Moved by Lacroix and seconded by Kuehn to continue Conditional Use Permit / CU 23-34 to the November 13, 2023, Planning Commission meeting.**

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

10. REZONE / RZ 23-14: Adam and Jennifer Masters. To rezone from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.
- Unplatted Balance SW1/4SE1/4 in Pennington County, Section 12, T2N, R4E, BHM, Pennington County, South Dakota.
- Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone from Agriculture District to Rural Residential District.
- Staff recommended approval of Rezone / RZ 23-14.
- Discussion followed.
- Moved by Lewis and seconded by McGregor to approve Rezone / RZ 23-14.**
- All voting aye, the Motion carried 7 to 0.**
- Moved by Lewis and seconded by Burton to wave rules to discuss similar Agenda Items #11 and #12 at the same time. All voting aye, the Motion carried 7 to 0.**
11. COMPREHENSIVE PLAN AMENDMENT / CA 23-10: Tanner and Shannah Loeffen. To change the Future Land Use from Agriculture District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.
- Lot 6C, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.
- Theunissen reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District to Suburban Residential District.
- Staff recommended denial of Comprehensive Plan Amendment / CA 23-10, as roads and infrastructure do not support further Suburban Residential development.
- Discussion followed.
- Moved by Kuehn and seconded by Burton to approve Comprehensive Plan Amendment / CA 23-10.**
- All voting aye, the Motion carried 6 to 1. Commissioner Coleman voted no.**
12. REZONE / RZ 23-15: Tanner and Shannah Loeffen. To rezone from Agriculture District to Suburban Residential District in accordance with the Pennington County Zoning Ordinance.
- Lot 6C, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.
- Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone from Agriculture District to Suburban Residential District.

Staff recommended denial of Rezone / RZ 23-15, as roads and infrastructure do not support further Suburban Residential development.

Discussion followed.

**Moved by Burton and seconded by Kuehn to approve Rezone / RZ 23-15.**

**All voting aye, the Motion carried 6 to 1. Commissioner Coleman voted no.**

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

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

(Continued from the October 10, 2023, Planning Commission meeting.)

Theunissen stated this item was continued from the October 10, 2023, Planning Commission meeting to allow the applicant to obtain South Dakota Department of Agriculture and Natural Resource's approval of the On-Site Wastewater Treatment Systems on the subject property.

Staff recommended approval of Planned Unit Development Overlay / PU 23-06 with the following twenty-four (24) conditions:

1. That the approved uses of the Recreational Resort include: cabin rentals (vacation home rentals), park models, bath houses, laundry facilities, staff offices, event venue, and recreational vehicle sites;
2. 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;
3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That guest count for events and the restaurant be combined, not to exceed the maximum occupancy of the restaurant;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
7. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;

8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 80 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 (PCZO) § 310;
10. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That any Vacation Home Rental within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
13. That a smoke detector be placed in each sleeping room utilized for a Vacation Home Rental, with a minimum of at least 1 smoke detector per floor;
14. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
15. That a portable fire extinguisher with a minimum 2-A:10-B:C rating be placed on each floor level of a Vacation Home Rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
16. That the maximum number of people staying at any Vacation Home Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual, South Dakota Department of Agriculture and Natural Resources, and Pennington County requirements;
17. That the applicants comply with South Dakota Codified Law 34-18;
18. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 331 and South Dakota Administrative Rules 74:53:01;
19. That any Vacation Home Rentals must comply with PCZO §319;
20. That any Recreation Vehicle Park / Site must comply with PCZO §306;
21. That setbacks for all structures shall comply with those required in a Commercial District;

22. That an approved Floodplain Development Permit be obtained prior to any disturbance or placement of structures within the boundaries of the Special Flood Hazard Area;
23. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
24. That this Planned Unit Development Overlay be reviewed in 6 months, on a complaint basis, or as deemed necessary by the Planning Director, the Planning Commission, or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

**Moved by McGregor and seconded by Coleman to approve of Planned Unit Development Overlay / PU 23-06 with the following twenty-four (24) conditions:**

- 1. That the approved uses of the Recreational Resort include: cabin rentals (vacation home rentals), park models, bath houses, laundry facilities, staff offices, event venue, and recreational vehicle sites;**
- 2. 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;**
- 3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;**
- 4. That guest count for events and the restaurant be combined, not to exceed the maximum occupancy of the restaurant;**
- 5. That all natural drainage paths be continually maintained;**
- 6. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;**
- 7. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;**
- 8. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;**
- 9. That a minimum of 80 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 (PCZO) § 310;**
- 10. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;**
- 11. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;**

12. That any Vacation Home Rental within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
13. That a smoke detector be placed in each sleeping room utilized for a Vacation Home Rental, with a minimum of at least 1 smoke detector per floor;
14. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
15. That a portable fire extinguisher with a minimum 2-A:10-B:C rating be placed on each floor level of a Vacation Home Rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
16. That the maximum number of people staying at any Vacation Home Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual, South Dakota Department of Agriculture and Natural Resources, and Pennington County requirements;
17. That the applicants comply with South Dakota Codified Law 34-18;
18. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 331 and South Dakota Administrative Rules 74:53:01;
19. That any Vacation Home Rentals must comply with PCZO §319;
20. That any Recreation Vehicle Park / Site must comply with PCZO §306;
21. That setbacks for all structures shall comply with those required in a Commercial District;
22. That an approved Floodplain Development Permit be obtained prior to any disturbance or placement of structures within the boundaries of the Special Flood Hazard Area;
23. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
24. That this Planned Unit Development Overlay be reviewed in 6 months, on a complaint basis, or as deemed necessary by the Planning Director, the Planning Commission, or Board of Commissioners to verify all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

14. PRELIMINARY PLAN / PPL 23-17: Dakota Land & Cattle. To create Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5, Block 4, The Ranch at Black Gap of Section 8 and Water Lot Revised-2, The Ranch at Black Gap of Section 9, all located in T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to create Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap.

Staff recommended approval of Preliminary Plat / PPL 23-17 with the following eight (8) conditions:

1. That at the time of submittal of the Final Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of submittal for the Final Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
3. That prior to the mylar being filed at Register of Deeds, any road improvements to Vantage Point Ct. be completed or surety for the road improvements be posted.
4. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;
5. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
6. That at the time of submittal of the Preliminary Plan, the Certifications on the Final Plat be in accordance with § 1701 and 1703 of the Pennington County Subdivision Regulations;
7. 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,
8. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by Lewis and seconded by Kuehn to approve of Preliminary Plat / PPL 23-17 with the following eight (8) conditions:**

- 1. That at the time of submittal of the Final Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That at the time of submittal for the Final Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
- 3. That prior to the mylar being filed at Register of Deeds, any road improvements to Vantage Point Ct. be completed or surety for the road improvements be posted.**
- 4. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;**
- 5. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;**
- 6. That at the time of submittal of the Preliminary Plan, the Certifications on the Final Plat be in accordance with § 1701 and 1703 of the Pennington County Subdivision Regulations;**
- 7. 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,**
- 8. That approval of this Preliminary Plan does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 6 to 0. Commissioner McGregor abstained from voting.**

15. ORDINANCE AMENDMENT / OA 23-12: Pennington County. To amend Section 313 “Access Easements” [to amend and supersede the existing Section 313 “Access Easements”] of the Pennington County Zoning Ordinance.

Molitor stated this is an Ordinance Amendment to amend Section 313 “Access Easements” [to amend and supersede the existing Section 313 “Access Easements”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 23-12.

Discussion followed.



**Moved by Burton and seconded by Coleman to approve of Ordinance Amendment / OA 23-12.**

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

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 10, 2023, Planning Commission meeting.

Ordinance Amendment 23-01 – To amend Section 319 – Vacation Home Rental was continued to the November 7, 2023, Board meeting.

Commissioner Lacroix provided an update from the Board of Commissioners regarding Ordinance Amendment 23-01.

17. ITEMS FROM THE PUBLIC

No items or actions were taken at this time.

18. ITEMS FROM THE STAFF

There were no items from staff.

19. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

20. ADJOURNMENT

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

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

**The meeting adjourned at 11:21 a.m.**

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Charlie Johnson, Chairperson