

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 11, 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, and Travis Lasseter.

STAFF PRESENT: Brittney Molitor, Megan Talmage, TJ Doreff, Jason Theunissen, Christine Phillip, Jeri Ervin, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE NOVEMBER 27, 2023, MINUTES
Moved by Burton and seconded by Lewis to approve the Minutes of the November 27, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Kuehn and seconded by McGregor to approve the Agenda of the December 11, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Lewis and seconded by Lasseter to approve the Consent Agenda of the December 11, 2023, Planning Commission meeting. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CUR 20-31**: Cindy Wasson. To review a single-wide mobile home to be used as a single-family residence in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 2, Kaur Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit Review / CUR 20-31 with the applicant's concurrence.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CUR 22-20**: Shawn and Kelly Dahl. To review a Recreational Vehicle to be lived in on the subject property less than 180 days in a calendar year in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

W1/2NE1/4, Section 20, T2N, R11E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 22-20 with the following twelve (12) conditions:

1. **That only 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters;**
2. **That if there are other RVs on the property, they are only allowed to be stored on the property and not connected to any utilities or used it as temporary living quarters;**
3. **That the RV not be utilized as a nightly or weekly vacation rental and only be used by the property owner for personal use;**
4. **That prior to utilizing the RV as a temporary living quarters, an On-Site Wastewater Treatment System be installed and approved by the Pennington County Environmental Planner;**
5. **That within 30 days of approval, an approved Approach Permit be obtained from County Highway Department and provided to the Planning Department;**
6. **That within 30 days of the approval of this Conditional Use Permit, the applicants provide a site plan showing where the RV will be parked and its driveway;**
7. **That an assigned address be clearly posted on the RV while it is being utilized as temporary living quarters and clearly visible from both directions of travel along 226th Street, in accordance with Pennington County Ordinance #20;**
8. **That the minimum setback requirements of an Agriculture District be maintained on the subject property;**
9. **That the property remains free of debris and junk vehicles;**
10. **That the applicant adheres to Pennington County Zoning Ordinance Section 510;**

11. 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,
12. 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.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CUR 22-29:** Angelia and Ross Dale. To review an accessory structure, a garage, as a primary structure on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

All Less Lot AR1, Less Glendale Subdivision and Less ROW, Iron Creek Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 22-29 with the following seven (7) conditions:

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

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 22-45:** Lynn Hanson. To review an Efficiency Dwelling Unit on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Hanson Heights Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 22-45 with the following twelve (12) conditions:

1. That only 1 efficiency dwelling be allowed;
2. That the efficiency dwelling continues to be permanently anchored to the ground, with the wheels removed;
3. That the efficiency dwelling continues to be skirted, have a residential appearance, and *not* be converted back to a Recreational Vehicle;
4. That the efficiency dwelling *not* exceed 400 square feet;
5. That the address assigned to the efficiency dwelling continues to be posted on the residence and at the end of the driveway where it intersects Highway 40 so they are clearly visible, in accordance with Pennington County Ordinance #20;
6. That the On-site Wastewater Treatment System (OSWTS) continues to comply with § 204(J) of the Zoning Ordinance;
7. That all necessary permits are obtained prior to any additions/ alterations to the efficiency dwelling or additions/alterations to the OSWTS;
8. That at least 2 off-street parking spaces continue to be provided for the efficiency dwelling;
9. That the efficiency dwelling continues to be utilized and maintained in accordance with all requirements of § 330 of the Zoning Ordinance;
10. 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;
11. That if the property is ever transferred or sold, the efficiency dwelling be removed from the property and this CUP ends; and,

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

Vote: unanimous 6 to 0.

7. **PLANNED UNIT DEVELOPMENT REVIEW / PUR 05-09:** Richard Sterkel. To review an existing Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Lots 1, 2, and 3 of Morrison Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Planned Unit Development Review / PUR 05-09 with the following thirteen (13) conditions:

1. That the Planned Unit Development consists of three (3) residential lots;
2. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That no off-premise signs be allowed within the Planned Unit Development;
4. 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;
5. That the required minimum setbacks for all structures be the same as allowed in Section 208 (Suburban Residential District) of the June 06, 2018, version of the Pennington County Zoning Ordinance;
6. That all single-family residences continue to be stick-built and accessory structures continue to complement and are compatible with the single-family residence;
7. That each unit has an individual address that continues to be posted in accordance with Pennington County Ordinance Amendment #20;
8. That approval is obtained through the City of Rapid City for the on-site wastewater system, prior to applying for a Building Permit;

9. That if any of the lots cannot support a conventional septic system, that a unconventional septic system, designed by a professional engineer, will need to be submitted and approved by the South Dakota Department of Agriculture and Natural Resources (DANR);
10. That as soon as a public sewer system is within 400 feet of the Planned Unit Development, or any residence within the Planned Unit Development the residences, existing or proposed must connect to the public sewer system;
11. That all natural drainage, irrigation ditches and laterals must be maintained. Any changes must be done by a professional engineer and reviewed and approved by the Pennington County;
12. That any disturbance within the Special Flood Hazard Area (100-floodplain and/or floodway) will require, at a minimum, an approved Floodplain Development Permit; and
13. That this Planned Unit Development be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

8. **MAJOR PLANNED UNIT DEVELOPMENT OVERLAY AMENDMENT REVIEW / PU 19-09:** Donna Hartshorn. To review an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend to continue Major Planned Unit Development Overlay Amendment Review / PUR 19-09 to the January 22, 2024, Planning Commission meeting in order for the applicant to work with the City of Rapid City to obtain approved Operating Permits for the existing on-site wastewater treatment systems on the property.

Vote: unanimous 6 to 0.

9. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PUR 22-02:** Aaron Olson. To review an existing Planned Unit Development to allow 20 full-service Recreational Vehicle sites; 5 cabins to be constructed within the existing 20' x 80' building; and a caretaker/manager's residence to include an office building in accordance with the Pennington County Zoning Ordinance.

Tract A Less Lot H1, Rapid City Placer MS 614, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Major Planned Unit Development Amendment Review / PUR 22-02 with the following twenty-five (25) conditions:

- 1. That the approved uses are limited to 20 full service RV sites; 5 cabins to be constructed within the existing 20' x 80' building; and a caretaker/manager residence to include an office building;**
- 2. That prior to operation, the applicant obtains approved Building Permits for the removal of the 2 mobile homes and 1 carport;**
- 3. 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;**
- 4. That daily operations be conducted by the owners, on-site manager, and staff as necessary;**
- 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 the assigned address (23849 Highway 385) be properly and continually posted on the "office" in accordance with Pennington County's Ordinance #20;**
- 8. That each of the five rental cabins be clearly marked with a unique cabin number and that the assigned address of the property (23849 Highway 385) be posted in each guest room utilized as a rental cabin;**
- 9. That each RV parking spots be marked with a unique spot number clearly visible from the driveway;**
- 10. 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;**
- 11. That a minimum of 7 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;**

12. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in § 310 of the Pennington County Zoning Ordinance;
13. That quiet hours in the Planned Unit Development be from 11:00 p.m. to 7:00 a.m.;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors or obstruct the vision of motor vehicle operators on Highway 16A;
15. That prior to operation, any cabin rental within the Planned Unit Development have 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 and that these permits be provided to the Planning Department;
16. That a smoke detector be placed in each sleeping room utilized for a rental cabin;
17. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of any rental cabin so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
18. That the maximum number of people staying at any rental cabin comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
19. That the applicants comply with South Dakota Codified Law 34-18;
20. That prior to operation, the outhouse be either filled and rendered inoperable or removed from the property;
21. 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 comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
22. That the Recreation Vehicle Park must comply with PCZO §306;
23. That setbacks for all structures shall be a minimum of 25 feet from exterior lot lines;

24. 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; and,
25. That this Planned Unit Development be reviewed on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

10. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 22-14:** Bryon and Kristin Mobley. To review the existing Planned Unit Development to remove a condition of approval of the Planned Unit Development in order to vacate a portion of the Access and Utility Easement on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 5, Block 4, Sheridan Lake Highlands, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of Minor Planned Unit Development Amendment Review / PUR 22-14 with the following eighteen (18) conditions:

1. That the Planned Unit Development consists of no more than four (4) residential lots;
2. That the minimum size of the residential lots be two (2) acres;
3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That no off-premise signs be allowed within the Planned Unit Development;
6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;

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 no lot is permitted to take access off of Sheridan Lake Road;
9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
11. That subject lots within this PUD remain part of the Sheridan Lake Highlands Road District and that proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, remain part of the Homeowners Association created for Sheridan Lake Highlands;
12. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
13. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision, if required by the Pennington County Natural Resources Director;
14. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
15. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;
16. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on proposed Lot 3 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would constitute a public nuisance, and that all future structures meet current Pennington County Zoning Ordinance Standards.

17. That no private wells will be drilled on any individual lots; and,
18. That this Planned Unit Development be reviewed upon a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

11. MINOR PLAT / MPL 23-25: Richard and Christine Vanness. To subdivide and create Lots 1 and 2 of Vanness Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot M of SW1/4SW1/4; Lot M of SE1/4SE1/4 of Section 15 in Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 and Lot 2 of Vanness Subdivision, Sections 14 and 15, T1N, R5E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicants have applied for a Minor Plat to subdivide and create Lots 1 and 2 of Vanness Subdivision.

Staff recommended approval of Minor Plat / MPL 23-25 with the following four (4) conditions:

1. That at the time the mylar is filed with the Register of Deeds, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That prior to filing the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
3. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations; and,
4. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Minor Plat / MPL 23-25 with the following four (4) conditions:

- 1. That at the time the mylar is filed with the Register of Deeds, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That prior to filing the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;**
- 3. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations; and,**
- 4. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met.**

All voting aye, the Motion carried 6 to 0.

12. CONDITIONAL USE PERMIT / CU 23-37: Kevin and Renee Eggebraaten. To allow an Accessory Dwelling Unit on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 15R Revised, Block 3, Moon Meadow Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an Accessory Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / CU 23-37 with the following fourteen (14) conditions:

1. That only one Accessory Dwelling Unit (ADU) be allowed;
2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
3. That the ADU has a residential appearance;
4. 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 Moon Meadows Drive so they are clearly visible, in accordance with Pennington County Ordinance #20;

5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO) and any applicable OSWTS requirements of the City of Rapid City;
6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
7. 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;
8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
10. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
11. That at least 1 off-street parking space be provided for the ADU;
12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
13. 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,
14. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Director, Pennington County 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 of Conditional Use Permit / CU 23-37 with the following fourteen (14) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;**
- 2. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;**
- 3. That the ADU has a residential appearance;**

4. 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 Moon Meadows Drive so they are clearly visible, in accordance with Pennington County Ordinance #20;
5. That the On-site Wastewater Treatment System (OSWTS) complies with § 331 of the Pennington County Zoning Ordinance (PCZO) and any applicable OSWTS requirements of the City of Rapid City;
6. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
7. 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;
8. That home occupations, Vacation Home Rentals, and nightly rentals in the ADU are prohibited;
9. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
10. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
11. That at least 1 off-street parking space be provided for the ADU;
12. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
13. 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,
14. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Director, Pennington County Planning Commission, or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

13. CONDITIONAL USE PERMIT / CU 23-38: Peaceful Valley Hideaway, LLC (William and Valerie Landis); Connor Donohoe - Agent. To allow a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota.

Rausch reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow a Vacation Home Rental on the subject property.

Staff recommended approval Conditional Use Permit / CU 23-38 with the following nineteen (19) conditions:

1. That the basement rental ceases on April 30, 2024, and the main part of the house cannot be used as a Vacation Home Rental until May 15, 2024;
2. That the entire multi-family residence only be used as one rental; separate rentals of the main level and basement are prohibited;
3. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
4. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the On-Site Wastewater Treatment System;
5. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit file at the Pennington County Planning Department;
6. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;
7. That each review of Conditional Use Permit / CU 23-38, be subject to PCZO Section 511(Q), which includes a \$100 fee per review;
8. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;

9. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
10. That a minimum of five (5) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, per Section 319(G)(1)(n);
12. That the lot address (12987 Bogus Jim Road) be continually posted on the residence at all times and where the driveway meets Bogus Jim Road so it is clearly visible from both directions of travel on Bogus Jim Road in accordance with Pennington County Ordinance #20;
13. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed, from J&J Hospitality, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
16. That an approved Sign Permit be obtained prior to the placement of any sign(s);
17. That the applicant works with the Pennington County Highway Department to obtain an approved Approach Permit prior to the March 11, 2024, Planning Commission meeting for the existing approach;
18. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and;
19. That this Conditional Use Permit be reviewed at the March 11, 2024, Planning Commission meeting, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lewis and seconded by Kuehn to approve of Conditional Use Permit / CU 23-38 with the following nineteen (19) conditions:

- 1. That the basement rental ceases on April 30, 2024, and the main part of the house cannot be used as a Vacation Home Rental until May 15, 2024;**
- 2. That the entire multi-family residence only be used as one rental; separate rentals of the main level and basement are prohibited;**
- 3. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);**
- 4. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the On-Site Wastewater Treatment System;**
- 5. That the applicant obtains proper permits prior to utilizing a fire pit on the subject property and all fire restrictions be followed at all times. A copy of said permit shall be filed with the Conditional Use Permit file at the Pennington County Planning Department;**
- 6. That the applicant provides the phone number and/or internet site address to clients, so they may be made aware of the current day's fire conditions and restriction, as pertaining to the use of a fire pit;**
- 7. That each review of Conditional Use Permit / CU 23-38, be subject to PCZO Section 511(Q), which includes a \$100 fee per review;**
- 8. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 9. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;**
- 10. That a minimum of five (5) off-street parking space(s) be provided on-site, per Pennington County Zoning Ordinance (PCZO) Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;**

11. That an interior informational sign be updated and posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental, per Section 319(G)(1)(n);
12. That the lot address (12987 Bogus Jim Road) be continually posted on the residence at all times and where the driveway meets Bogus Jim Road so it is clearly visible from both directions of travel on Bogus Jim Road in accordance with Pennington County Ordinance #20;
13. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed, from J&J Hospitality, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
15. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
16. That an approved Sign Permit be obtained prior to the placement of any sign(s);
17. That the applicant works with the Pennington County Highway Department to obtain an approved Approach Permit prior to the March 11, 2024, Planning Commission meeting for the existing approach;
18. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and;
19. That this Conditional Use Permit be reviewed at the March 11, 2024, Planning Commission meeting, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

14. PRELIMINARY PLAN / PPL 23-26: Free Range Rentals, LLC. To subdivide and create Lots A and B of Free Range Addition in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract A of Willison B White HES No. 2440 and That PT of the W1/2NE1/4 lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Free Range Addition, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to subdivide and create Lots A and B of Free Range Addition.

Staff recommended approval of Preliminary Plan / PPL 23-26 with the following four (4) conditions:

1. That at the time of Final Plat submittal, the certificates be in accordance with §§1702 and 1703 of the Pennington County Subdivision Regulations;
2. That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 & 602 of the Pennington County Subdivision Regulations.
3. That the applicant ensures all-natural drainage ways are maintained and not blocked;
4. 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;
5. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by McGregor and seconded by Kuehn to approve of Preliminary Plan / PPL 23-26 with the following four (4) conditions:

- 1. That at the time of Final Plat submittal, the certificates be in accordance with §§1702 and 1703 of the Pennington County Subdivision Regulations;**
- 2. That at the time of Final Plat submittal, the plat meets the requirements of §§ 601 and 602 of the Pennington County Subdivision Regulations.**
- 3. That the applicant ensures all-natural drainage ways are maintained and not blocked;**

4. **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;**
5. **That approval of this Preliminary Plat 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.

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

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

(Continued from the November 13, 2023, Planning Commission meeting.)

Sack stated this item was continued from the November 13, 2023, Planning Commission meeting.

Staff recommended to continue Conditional Use Permit / CU 23-32 to the February 12, 2024, Planning Commission meeting, with the applicant's concurrence, to allow more time to bring the structure up to fire code.

Discussion followed.

Moved by Burton and seconded by Kuehn to Conditional Use Permit / CU 23-32 to the February 12, 2024, Planning Commission meeting, with the applicant's concurrence, to allow more time to bring the structure up to fire code.

All voting aye, the Motion carried 6 to 0.

16. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the November 27, 2023, Planning Commission meeting.

17. ITEMS FROM THE PUBLIC

There were no motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the November 2023 Building Permit Report.

19. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

20. ADJOURNMENT

Moved by McGregor and seconded by Lewis to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:26 a.m.

Charlie Johnson, Chairperson