

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 13, 2020 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Jim Coleman, Sonny Rivers, Kathy Johnson, Sandra Runde, and Mark DiSanto.

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Cody Sack, Jason Theunissen, Michaele Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE DECEMBER 16, 2019, MINUTES
Moved by Lasseter and seconded by DiSanto to approve the Minutes of the December 16, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by Lasseter to approve the Agenda of the January 13, 2020, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Coleman and seconded by Lasseter to approve the Consent Agenda of the January 13, 2020, Planning Commission meeting, with the removal of Item #6. 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 are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 18-43:** Border States Paving. To review a temporary asphalt batch plant and contractor's storage area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

(Continued from the December 2, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 18-43 with the applicant and landowner's concurrence.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT / CU 19-36:** Black Hill Power; Kyle Young - Agent. To allow for an electrical utility substation on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Except That Tract of Land Located in the SE Corner Being 33.01 ft x 233 ft, Section 19, T1N, R7E, BHM, Pennington County, South Dakota

To approve of Conditional Use Permit / CU 19-36 with the following seven (7) conditions:

1. **That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;**
2. **That the landowner apply for Building Permits for the doublewide mobile home, 30' x 64' farm utility building, and 12' x 15' tool shed and pay any associated penalty fees within 30 days of CU 19-34 being approved;**
3. **That an address be assigned to the facility and be posted in accordance with Pennington County Ordinance #20;**
4. **That reasonable steps be taken to reduce light and sound emissions from the facility;**
5. **That the installation of any additional electrical substations or associated equipment will require this permit to be reviewed;**
6. **That the applicant receives an approved County Construction Permit prior to excavating, clearing, or disturbing more than or equal to 10,000 square feet of land; and,**
7. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.**

Vote: unanimous 7 to 0.

5. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-07:** Lloyd and Catherine Marti. To allow a garage (accessory structure) prior to a principal structure on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 2, Block 1, Holy Cow Ranch Subdivision #2, Section 25, T1N, R8E, BHM, Pennington County, South Dakota

To approve of Minor Planned Unit Development Amendment / PU 19-07 with the following (10) conditions.

1. That the Conditions of Approval of Planned Unit Development / PU 06-06 be continually adhered to;
2. That an approved Building Permit be obtained for the proposed garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
5. That if any plumbing is to be installed in the accessory structure, the garage, it be hooked into an approved means of wastewater disposal;
6. That the proposed garage be used for personal use only and no commercial-type uses;
7. That all the natural drainage paths be maintained;
8. That the address, once assigned, be posted during the construction of the garage, so it is visible from both directions of travel on Redemption Road in accordance with Pennington County's Ordinance #20;
9. That the required minimum setbacks for all structures be a minimum of 25 feet from all property lines; and,
10. That this Planned Unit Development be reviewed in two (2), years on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

6. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-08: Joel and Elizabeth Morris. To live in a Recreational Vehicle as temporary living quarters, while building a single-family residence on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 10, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota

Commissioner Marsh asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 19-08 with twenty-five (25) conditions.

Discussion followed.

Moved by DiSanto and seconded by Lasseter to approve of Minor Planned Unit Development Amendment / PU 19-08 with the following twenty-five (25) conditions:

- 1. The density of the Planned Unit Development shall not exceed 148 residential lots;**
- 2. That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;**
- 3. That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;**
- 4. That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;**
- 5. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;**
- 6. The minimum lot size for the development shall five (5) acres;**
- 7. That a minimum of eighty (80) acres is maintained as Common area;**
- 8. The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;**

9. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
10. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;
11. That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;
12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;
13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;
14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;
15. That 229th Street is maintained according to Ordinance 14 Standards;
16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;
17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
18. That a Homeowner's Association be created for the maintenance of the road, community water system, and all use within the common areas;
19. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;
20. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property;
21. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the barn and/or single-family residence;

22. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
23. That the RV being used as a temporary residence be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
24. That this Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
25. That this Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met; and,

All voting aye, the Motion carried 7 to 0.

7. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the December 16, 2019, Planning Commission meeting.)

Proietti reviewed the Staff Report and stated Staff recommended Planned Unit Development / PU 06-07 is turned over to the State's Attorney's Office for further action to bring the mobile home park into compliance, based upon non-compliance of the property owner. Staff is now recommending approval of the extension of Planned Unit Development / PU 06-07 with twenty-one (21) conditions.

Discussion followed.

Moved by Lasseter and seconded by Coleman to approve of the extension of Planned Unit Development / PU 06-07 with the following twenty-one (21) conditions:

1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes shall have a minimum 20-foot separation between units;

4. That decks and/or porches be allowed as accessory structures to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
7. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
9. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
10. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
11. That the mobile home park be provided with an on-site management office;
12. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;
13. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
14. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Floodplain Development Permit shall be obtained for any work within the 100-year floodplain;
15. That the storage units be used exclusively for storage and not retail business activities;
16. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;

17. 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;
18. That a map be submitted to Rapid City's GIS Department showing the addresses for each lot within the mobile home park; and,
19. That the first 100 feet off of Sturgis Road be hard surfaced.
20. That the applicant signs the Statement of Understanding within fourteen (14) business days of approval of Planned Unit Development / PU 06-07; and,
21. That this Planned Unit Development be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

8. LAYOUT PLAT / LPL 19-44: Gorden and Jennifer Sabo. To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations

EXISTING LEGAL: NE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

Proietti reviewed that the surveyor and applicant will be resubmitting a new Layout Plat request for the creation of the three lots, as the lot lines and lot sizes will be changing. Proietti further asked that Layout Plat / LPL 19-44 be denied without prejudice.

Moved by Coleman and seconded by Lasseter to deny without prejudice Layout Plat / LPL 19-44.

All voting aye, the Motion carried 7 to 0.

9. CONDITIONAL USE PERMIT / CU 19-34: Lloyd and Pamala LaCroix. To allow an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1-B, Elkhorn Mountain View Estates, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow the existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 19-34 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) §319(F)(13);
2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 19-34, be subject to PCZO §511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO §310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (12558 Ford Mountain Court) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Ford Mountain Court, in accordance with Pennington County Ordinance #20;

10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Lloyd LaCroix, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That the applicant apply for a Building Permit for the 10' x 24' shed and pay any associated penalty fees within 30 days of CU 19-34 being approved;
15. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by DiSanto and seconded by Lasseter to approve of Conditional Use Permit 19-34 and to remove Condition #14 from the original Conditions of Approval and to add a condition to state: "That if the property is sold or transferred, the Conditional Use Permit for a Vacation Home Rental shall end."

Discussion further followed.

SUBSTITUTE MOTION: Moved by DiSanto and seconded by Coleman to approve of Conditional Use Permit / CU 19-34 with the following fifteen (15) conditions:

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

3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 19-34, be subject to PCZO §511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;
7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO §310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
9. That the lot address (12558 Ford Mountain Court) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Ford Mountain Court, in accordance with Pennington County Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Lloyd LaCroix, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which

**requires a site plan to be reviewed and approved by the Planning Director;
and,**

- 15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

10. REZONE / RZ 19-17 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-17: David and Mary Grover. To rezone 12.83 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, 213, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to rezone 12.83 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

Staff recommended approval of Rezone / RZ 19-17 and Comprehensive Plan Amendment / CA 19-17.

Discussion followed.

Moved by Runde and seconded by Coleman to approve of Rezone / RZ 19-17 and Comprehensive Plan Amendment / CA 19-17.

All voting, the Motion carried 6 to 1. Commissioner Johnson voted no.

11. CONDITIONAL USE PERMIT / CU 18-38: Daniel Johnson, Highmark Properties, LLC. To allow a Specialty Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Specialty Resort.

Staff recommended approval of Conditional Use Permit / CU 18-38 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy for the Specialty Resort be limited to ten (10) people (total includes both units);
2. That an approved FLPMA Private Road Easement be maintained at all times with the United States Forest Service;
3. That the applicant provide a cell phone booster for the Specialty Resort to ensure that adequate cell phone service is available, in case of an emergency;
4. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
6. That the applicant continually maintains current licenses with the South Dakota Department of Health (Specialty Resort License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That the applicant 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;
8. That a minimum of four (4) off-street parking spaces continue to be provided on-site each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be posted on each level of the structure with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Specialty Resort. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
10. That the lot address be posted for each unit on the Specialty Resort at all times, at the split in the driveway, and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:05, which regulates Specialty Resorts;
12. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);

13. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That Conditional Use Permit / CU 17-30 and Conditional Use Permit / CU 17-38 end as they are no longer needed with the approval of Conditional Use Permit / CU 18-38; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded Johnson to approve of Conditional Use Permit / CU 18-38 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy for the Specialty Resort be limited to ten (10) people (total includes both units);**
- 2. That an approved FLPMA Private Road Easement be maintained at all times with the United States Forest Service;**
- 3. That the applicant provide a cell phone booster for the Specialty Resort to ensure that adequate cell phone service is available, in case of an emergency;**
- 4. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
- 6. That the applicant continually maintains current licenses with the South Dakota Department of Health (Specialty Resort License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 7. That the applicant 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;**

8. That a minimum of four (4) off-street parking spaces continue to be provided on-site each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be posted on each level of the structure with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Specialty Resort. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
10. That the lot address be posted for each unit on the Specialty Resort at all times, at the split in the driveway, and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:05, which regulates Specialty Resorts;
12. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
13. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That Conditional Use Permit / CU 17-30 and Conditional Use Permit / CU 17-38 end as they are no longer needed with the approval of Conditional Use Permit / CU 18-38; and,
16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

12. MOTION TO SCHEDULE A HEARING OF THE PENNINGTON COUNTY COMPREHENSIVE PLAN "VIEW TO 2040" TO AMEND AND SUPERSEDE PENNINGTON COUNTY'S EXISTING COMPREHENSIVE PLAN.

Moved by DiSanto and seconded by Lasseter to schedule a hearing on February 24, 2020, at 9 a.m. to review the draft Comprehensive Plan "View to 2040" to amend and supersede Pennington County's existing Comprehensive Plan.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

13. CONSTRUCTION PERMIT / CP 19-20: Black Hills Power. To construct an access road and to grade a site for a proposed electric utility substation.

All Except That Tract of Land Located in the SE Corner Being 33.01 ft x 233 ft, Section 19, T1N, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 19-20 with the following thirteen (13) conditions:

1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
2. That the applicant submits a Notice of Intent for the SDDENR General Stormwater Permit within thirty (30) days off approval;
3. That the applicants provide the pre and post construction water quality capture volume data to the Planning Department within thirty (30) days of approval;
4. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
5. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
6. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
7. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
8. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
9. That all natural drainage ways and paths be continually maintained;

10. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
 11. 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;
 12. That the applicant signs a Statement of Understanding within ten (10) days of Permit approval which is available in the Planning Office; and,
 13. That this Construction Permit is reviewed in six (6) months, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
14. CONSTRUCTION PERMIT / CP 19-21: Dakota Stone Mining & Stone Supply / James Dean. To allow construction activities associated with the expansion of the Upper Spring Creek Mine.

All of Section 3, T2S, R3E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 19-21 with the following ten (10) conditions:

1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
2. That the applicant follows the Forest Service's Operating Plan for the Upper Spring Creek Quarry;
3. That a copy of any inspection performed by the State of South Dakota or the U.S Forest Service be submitted to the Planning Department;
4. That the Conditions of Approval of Mining Permit / MP 19-01 are continually met;
5. That any natural drainage ways and paths be continually maintained;
6. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
7. That the site shall be re-vegetated as required under § 507(A)(5)(c);
8. That if there is a change in the floodplain or the work within the floodplain, the applicant updates their Floodplain Development Permit;
9. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
10. That this Construction Permit be reviewed in six (6) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning

Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 2, 2019, and December 16, 2019, Planning Commission meetings.

16. ITEMS FROM THE PUBLIC

Mr. Jerry Watson spoke of dirt disturbance on the property located at 3800 Marvin Road.

17. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for December 2019.
- B. Cody Schad – Construction Permit / Mining Permit. The Planning Department reviewed Mr. Schad's Construction and Mining Permits with the Planning Commission and members of the public.

Commissioner Runde left the meeting at 11:16 a.m.

Commissioner Runde returned to the meeting at 11:18 a.m.

- C. New Planning Department Employee. Molitor introduced Stephanie Jansen, the new Planner I for the Planning Department.
- D. Part-Time Planning Department Employee. Molitor stated that Kelsey Rausch will working part-time for the Planning Department starting at the end of January.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh spoke of the Planning Director position.

19. ADJOURNMENT

Moved by Coleman and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:29 a.m.

Rich Marsh, Chairperson