

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 27, 2020 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JANUARY 13, 2020, MINUTES
Moved by Runde and seconded by DiSanto to approve the Minutes of the January 13, 2020, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Lasseter to approve the Agenda of the January 27, 2020, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Runde and seconded by Lasseter to approve the Consent Agenda of the January 27, 2020, Planning Commission meeting, with the removal of Item #4. 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 are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 14-01:** PLM Investments LLC; Mary L. Riss. To review a single-wide mobile home, as single-family residence, to be located on each of the subject properties in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot A of Lot 12; Lot 2 of Lot A of Lot 12; and Lot 3 of Lot A of Lot 12, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-01 with the following nine (9) conditions:

1. That each lot address (4695, 4711 and 4727) continues to be clearly posted, on their respective lots, so as to be visible from both directions of travel on Carol Street in accordance with Pennington County Ordinance #20;
2. That Removal/Demolition Permits be obtained for each of the single-wide mobile homes prior to approval of a Building Permit for any new single-wide mobile homes;
3. That all subject properties continue to remain free of debris and junk vehicles;
4. That each home installed on the property, as replacements for the existing SWMHs, have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
5. That the minimum setback requirements of a Suburban Residential District continue to be maintained;
6. That two (2) off-street parking spaces continue to be provided on each of the subject properties, in accordance with Section 310 of the Pennington County Zoning Ordinance;
7. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats/blankets) be implemented;
8. That the removal/demolition of the two remaining mobile homes (4695 and 4727 Carol Street) need to be completed within ninety (90) days of receiving the Removal/Demolition Permit; and,
9. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-45:** Caputa Community Cemetery. To review a community cemetery in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Caputa Community Cemetery, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 18-45 to the February 10, 2020, Planning Commission meeting in order for the address to be posted with the following one (1) condition:

1. That any continuation after the February 10, 2020 Planning Commission meeting, will be subject to a \$100.00 continuation fee in accordance with Section 511(X) of the Pennington County Zoning Ordinance.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-46:** Brady and Liana Wolfe. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot A Revised, Woodland Valley Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-46 with the following ten (10) conditions:

1. That a deed restriction recorded with the Register of Deeds is maintained for the Guest House;
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);
6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That both the addresses assigned for the primary residence and the Guest House be continually posted so they are clearly visible from Potter Road, in accordance with Pennington County Ordinance #20;
8. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;
9. 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,

10. 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.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-47:** Kevin and Crystal McKinstry. To review an accessory structure, shed, prior to a principle structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 20, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-47 with the following six (6) conditions.

1. That the accessory structure (12' x 40' shed) continually be used for personal use only and no commercial-type uses;
2. That the property continues to remain free of debris at all times;
3. That the address (8226 Cobblestone Court) be posted so it is clearly visible from both directions of travel on Cobblestone Court, in accordance with Pennington County's Ordinance #20;
4. 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;
5. That all-natural drainage paths continually be maintained; and,
6. That this Conditional Use Permit be reviewed in one (1) year, 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 6 to 0.

8. **MINOR PLAT / MPL 19-45:** Duane and Margaret Gaulke. To combine lots to create Lot 18R of Gold Mountain in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 17 and Lot 18 of Gold Mountain, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 18R of Gold Mountain, Section 14, T1S, R4E, BHM, Pennington County, South Dakota

To recommend approval of Minor Plat / MPL 19-45 with the following seven (7) conditions.

- 1. That at the time of Minor Plat submittal, a minimum of an 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 Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;**
- 4. That at the time of a Minor Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;**
- 5. That all existing and future addresses must be posted in accordance with Pennington County Ordinance #20;**
- 6. That the applicant ensures that all-natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats; and,**
- 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.**

Vote: unanimous 6 to 0.

- 9. CONDITIONAL USE PERMIT / CU 19-35: Shirley Brownell / Robert Brownell. To allow three seasonal rental cabins and to allow the existing single-family residence to be used as a caretaker/manager's residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.**

N1/2SE1/4NE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To deny without prejudice of Conditional Use Permit / CU 19-35 with the applicant's concurrence.

Vote: unanimous 6 to 0.

10. **REZONE / RZ 19-18**: Gorden and Jennifer Sabo. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

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

To recommend denial without prejudice of Rezone / RZ 19-18 with the applicant's concurrence.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-27**: Beverly Sears. To review an existing 12' x 12' structure to be used as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208, and 510 of the Pennington County Zoning Ordinance.

Lots 22-23, Block, 8, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 17-27 with five (5) conditions.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve of the extension of Conditional Use Permit / 17-27 with the following five (5) conditions:

1. **That the assigned address (9105 Main Street) be posted it so it is clearly visible from both directions of travel along Main Street in accordance with Pennington County Ordinance #20;**
2. **That if any plumbing is to be installed in the structure, it be hooked into an approved means of wastewater disposal (i.e. holding tank);**
3. **That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**

4. That upon sale or transfer of the property, the new owner contact the Planning Department in order to address the requirements of an On-site Wastewater Treatment System; and,
5. That this Conditional Use Permit 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.

All voting aye, the Motion carried 6 to 0.

11. MINING PERMIT / MP 20-01: H & H Land Company #2, LLC / Pat Hall. To allow the extraction sand, gravel, and other rock material to be crushed and hauled off-site, to include stock piling of top soil.

NE1/4NE1/4, S1/2N1/2, S1/2, Section 13, T1S, R9E; W1/2NE1/4, SE1/4NE1/4, E1/2W1/2, SE1/4, Lots 1, 2, 3, and 4, Section 7, T1S, R10E; All of Section 25, T1S, R9E, All of Section 24, T1S, R9E; NE1/4NW1/4, E1/2SW1/4, SE1/4, Lots 1, 3, and 4, Section 19, T1S, R10E; SE1/4NW1/4; GL 2, Section 19, T1S, R10E; PT GL 2; GL 3-4; SE1/4SW1/4, Section 18, T1S, R10E; E1/2NE1/4, Section 26, T1S, R9E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit to extract sand, gravel, and other rock material to be crushed and hauled off-site, to include stock piling of top soil.

Staff recommended approval of Mining Permit / MP 20-01 with the following eleven (11) conditions:

1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
2. That the applicant obtains a South Dakota Department of Environment and Natural resources Mine License,
3. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;
4. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
5. That prior to any work in the floodplain the applicant obtains an approved Floodplain Development Permit.

6. That the applicant follows the Operation Plan that was submitted with the Mining Permit application;
7. That if at any point there is access through or across an unimproved Section Line or a Section Line that has not been opened by the Pennington County Board of Commissioners the applicant obtains approval for Road Construction within a Section Line Right-of-Way;
8. That no work is done within a Section Line unless first obtaining approval from the Pennington County Board of Commissioners;
9. That the Conditions of Approval of Construction Permit / CP 20-01 are continually met;
10. 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,
11. That this Mining 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.

Discussion followed.

Moved by Johnson and seconded by DiSanto to approve of Mining Permit / MP 20-01 with the following twelve (12) conditions:

- 1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;**
- 2. That the applicant obtains a South Dakota Department of Environment and Natural resources Mine License,**
- 3. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
- 4. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;**
- 5. That prior to any work in the floodplain the applicant obtains an approved Floodplain Development Permit.**

6. **That the applicant follows the Operation Plan that was submitted with the Mining Permit application;**
7. **That if at any point there is access through or across an unimproved Section Line or a section line that has not been opened by the Pennington County Board of Commissioners the applicant obtains approval for Road Construction within a Section Line Right-of-Way;**
8. **That no work is done within a Section Line unless first obtaining approval from the Pennington County Board of Commissioners;**
9. **That Wisehart Road north from the subject properties to E. Highway 44 is maintained by the applicant at all times;**
10. **That the Conditions of Approval of Construction Permit / CP 20-01 are continually met;**
11. **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,**
12. **That this Mining 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.**

All voting aye, the Motion carried 6 to 0.

12. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-09: Donna Hartshorn. To amend 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 §213 of 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.

Theunissen reviewed the Staff Report indicating the applicant has applied to amend 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.

Staff recommended approval of Major Planned Unit Development Amendment / PU 19-09 with the following twenty-six (26) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand's residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;
2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;
5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;
6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;
7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance,
9. That the internal driveway continue to be eighteen (18) feet wide;

10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;
11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;
13. That the applicant maintain directional signs along the in-use access roads to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;
17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;
18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;
19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;
20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;
21. That prior to the placement of any on-premise signs, the applicant must adhere to §312 of the Pennington County Zoning Ordinance;

22. 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;
23. 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;
24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
25. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PUD 19-09, which is available at the Planning Office; and,
26. That Major Planned Unit Development Amendment / PUD 19-09 be reviewed in one (1) year, 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.

Discussion followed.

Moved by Mark and seconded by Johnson to approve of Major Planned Unit Development Amendment / PU 19-09 with the following twenty-six (26) conditions:

- 1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand's residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;**
- 2. That the number of guests be limited up to a maximum of 300 at any one-time;**
- 3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;**

4. That the applicant notify the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;
5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;
6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;
7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance, and a parking site plan shall be submitted showing each designated parking space for the three lots and the applicant shall place signage stating that there is no parking on the road and in the easement;
9. That the internal driveway continue to be eighteen (18) feet wide;
10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;
11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;
13. That the applicant maintain directional signs along the in-use access roads to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;

15. That all lighting be installed and maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;
17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;
18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;
19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;
20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;
21. That prior to the placement of any on-premise signs, the applicant must adhere to §312 of the Pennington County Zoning Ordinance;
22. 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;
23. 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;
24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
25. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PUD 19-09, which is available at the Planning Office; and,

- 26. That Major Planned Unit Development Amendment / PUD 19-09 be reviewed in one (1) year, 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.**

All voting, the Motion carried 5 to 1. Commissioner Runde voted no.

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 20-01: H & H Land Company #2, LLC / Pat Hall. To allow construction activities associated with a sand, gravel, and rock mining operation.

NE1/4NE1/4, S1/2N1/2, S1/2, Section 13, T1S, R9E; W1/2NE1/4, SE1/4NE1/4, E1/2W1/2, SE1/4, Lots 1, 2, 3, and 4, Section 7, T1S, R10E; All of Section 25, T1S, R9E, All of Section 24, T1S, R9E; NE1/4NW1/4, E1/2SW1/4, SE1/4, Lots 1, 3, and 4, Section 19, T1S, R10E; SE1/4NW1/4; GL 2, Section 19, T1S, R10E; PT GL 2; GL 3-4; SE1/4SW1/4, Section 18, T1S, R10E; E1/2NE1/4, Section 26, T1S, R9E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-01 with the following twelve (12) conditions:

1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and 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 Operation Plan that was submitted with the Mining Permit application;
3. That if at any point there is access through or across an unimproved section line or a Section Line that has not been opened by the Pennington County Board of Commissioners the applicant obtains approval for Road Construction in a Section Line Right-of-Way;
4. That any natural drainage ways and paths be continually maintained;
5. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;

6. That the site shall be re-vegetated as required under § 507(A)(5)(c);
 7. That inspection reports are available upon request of the Planning Director;
 8. That the applicant follows the Operation Plan that was submitted with the Mining Permit application;
 9. That no work may be done within a Section Line unless first obtaining approval from the Pennington County Board of Commissioners;
 10. That the Conditions of Approval of Mining Permit / MP 20-01 are continually met;
 11. That the applicant signs a Statement of Understanding within ten (10) business days of Construction Permit approval, which is available at the Planning Office; and,
 12. 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.
14. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the January 13, 2020, Planning Commission meeting.
15. ITEMS FROM THE PUBLIC
No motions or actions were taken.
16. ITEMS FROM THE STAFF
A. Comprehensive Plan "View to 2040" – Board of Commissioner's meeting. Molitor stated this Item will be heard at the March 3, 2020, Board of Commissioner's meeting.
17. ITEMS FROM THE MEMBERSHIP
There were no items from the membership.
18. ADJOURNMENT
Moved by Lasseter and seconded by DiSanto to adjourn.
All voting aye, the Motion carried 6 to 0.
The meeting adjourned at 10:00 a.m.

Rich Marsh, Chairperson