

DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 28, 2024 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Jim Coleman, Kevin Burton, Mikal Lewis, Kevin Kuehn, and Gary Drewes.

STAFF PRESENT: Christine Phillip, Megan Talmage, Cody Sack, TJ Doreff, Jeri Ervin, and Alexa Moeller (SAO).

ROLL CALL

1. APPROVAL OF THE MAY 10, 2024, MINUTES
Moved by Coleman and seconded by Lewis to approve the Minutes of the May 10, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Drewes and seconded by Kuehn to approve the Agenda of the May 28, 2024, Planning Commission meeting. Vote: unanimous 6 to 0.

Commissioner Burton arrived at 9:07 a.m.

3. APPROVAL OF THE CONSENT AGENDA
Moved by McGregor and seconded by Coleman to approve the Consent Agenda of the May 28, 2024, Planning Commission meeting, with the removal of Items #5 and #11. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

4. **CONDITIONAL USE PERMIT REVIEW / CUR 15-10**: Krebs Partnership, LLC; Donald Krebs. To review a home occupation on the subject property, to use a detached garage for the purpose of buying, repairing and selling vehicles (not intended to be a car lot), in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

The South 75 feet of Lot J of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 15-10 with the following fourteen (14) conditions:

1. **That the proposed Home Occupation continue to be located entirely within the 48' x 56' Detached Garage and that the residential character of the property be maintained;**

2. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Section 312-A-12 of the Pennington County Zoning Ordinance, and that a Sign Permit be obtained prior to installation;
3. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Local, State, and Federal requirements;
4. That all necessary Local, State, and Federal licenses and permits be maintained and that copies of these licenses and permits be provided to the Planning Department upon request;
5. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
6. That reasonable measures are continually taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
7. That the address (2745 Pioneer Drive) continue to be posted properly on the 48' x 56' Detached Garage and at the approach off of Pioneer Drive in accordance with Pennington County's Ordinance #20;
8. That this Home Occupation not negatively impact Conditional Use Permit 98-12;
9. That upon sale or transfer of the subject property and/or the property the applicant currently resides on, CU 15-10 will be scheduled for a revocation hearing;
10. That there is no more than one (1) additional employee, excluding family members;
11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;
12. That the hours of operation continue to be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
13. That the property continues to remain free of debris and junk vehicles; and,
14. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CUR 20-11:** Audra Olson. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 18 of Tract A, Sunnyside Acres Subdivision, Section 25, T2N, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 20-11 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DANR 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 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 DANR;
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 the applicant provides the phone number and/or internet site address providing the current day's fire conditions and restrictions, as pertaining to the use of a fire pit;
5. That each review of Conditional Use Permit / CU 20-11, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. 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;
8. 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;
9. That an interior informational sign be posted in accordance with the requirements of PCZO § Section 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;

10. That the lot address (22775 Sunnyside Gulch Road) continually be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Sunnyside Gulch Road, in accordance with Pennington County Ordinance #20;
11. 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;
12. That if the person designated as the Local Contact is ever changed from Aaron Olson, 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;
13. 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;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. 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,
16. That this Conditional Use Permit be reviewed in three (3) years, 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.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CUR 21-18:** Lowell Kolb. To review a temporary campground/assembly of people on the subject property, during the month of July, in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

SW1/4NE1/4 Less E200 feet of N947 feet of E1/2SW1/4NE1/4 and Less S373 feet of SE1/4SW1/4NE1/4, Section 32, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 21-18 with the following sixteen (16) conditions:

1. That the temporary campground/assembly of people only operates for a total of four days in the month of July;
2. That the temporary campground/assembly of people be operational from 4 p.m. Friday to Noon on Tuesday;

3. That the property be kept free of trash and debris during the temporary camp;
4. That quiet hours be from 10 p.m. to 7 a.m.;
5. That the camp operates the 2nd weekend of July in 2024;
6. That the maximum total occupancy of the temporary campground be limited to 75 persons;
7. That the camp be limited to 8 RVs and 8 tent sites;
8. The Onsite Waste Water Treatment System is pumped prior to the start of the camp and on the second or third day of the camp as determined by the Department of Agriculture and Natural Resources;
9. That one porta potty be placed on the property for the duration of the camp;
10. That a minimum of one fire extinguisher with a minimum rating of 4A; 60BC (#10) fire extinguisher be accessible to all guests at all times;
11. That a minimum of one first aid kit be accessible to the public at all times;
12. That the temporary camp abides by all state and federal fire regulations;
13. That parking be adhered to as depicted in the site plan submitted by the applicant;
14. That at least one operational phone be accessible to all campers;
15. That the camp continually complies with § 314 of the Pennington County Zoning Ordinance; and,
16. That this Conditional Use Permit be reviewed in May 2025, or on a complaint basis.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CUR 21-34**: William Brockett. To review a Vacation Home Rental in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract 6, Brockett Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 21-34 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) 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 all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;
3. That if any addition is constructed on the 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 DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-34, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. 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 and that a copy of said plan be kept on file at the Planning Department;
9. 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;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (23869 Brockett Lane) be posted on the residence at all times and at the driveway where it intersects Brockett Lane, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

13. That if the person designated as the Local Contact is ever changed from Kari-Ann Casper, 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;
14. 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;
15. That an approved Sign Permit be obtained prior to the placement of any sign(s);
16. 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,
17. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CUR 21-39:** Paul and Carol Niemann. To review a Recreational Vehicle Park on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Niemann Trust Land Tract of the SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 21-39 with the following eighteen (18) conditions:

1. That the Recreational Vehicle (RV) Park shall consist of no more than 6 RV sites;
2. That the RV park be for personal use only, and no commercial use is allowed, and operate up to 180 days per calendar year;
3. That the RV park not be utilized as a nightly, weekly vacation rental, or commercial use;
4. That the RV Park can only be operated after the approved OSWTS has been installed;
5. That all RVs dispose of waste through the approved OSWTS;
6. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);

7. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Custer Gulch Road;
8. That each RV site has a lot number clearly posted;
9. That a minimum 10-foot separation be maintained between each RV site;
10. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;
11. That the minimum setback requirements of Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
12. That the minimum 58-foot Section Line setback be maintained on the property;
13. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the subject property remains free of debris and junk vehicles;
15. That the applicant adheres to PCZO § 510;
16. That this Conditional Use Permit be reviewed if the RV park is no longer utilized for personal use;
17. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
18. That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CUR 21-42**: CAL SD, LLC; Tina Roberts. To review a Vacation Home Rental in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot A, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 21-42 with the following nineteen (19) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department of Agriculture and Natural Resources (DANR) approval, be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System;
3. That if any addition is constructed on the 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 DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicant shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 21-42, be subject to PCZO § 511, which imposes a \$100 fee per review;
7. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
8. 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 and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 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;
10. That an interior informational sign be updated and posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
11. That the lot address (9699 Clarkson Road) be posted on the residence at all times and at the driveway where it intersects Clarkson Road, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) at all times;

13. That if the person designated as the Local Contact is ever changed from Tina Roberts, the interior informational sign be updated and the applicant renotify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. 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;
15. That an approved on-premise Sign Permit be obtained prior to the placement of any sign(s);
16. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property;
17. That a color map illustrating where the Special Flood Hazard Area is located on the property, as determined by the Federal Emergency Management Agency (FEMA) be posted during operation of the Vacation Home Rental;
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 in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CUR 22-09**: David and Mary Grover. To review living in a pole barn/shop building while building a single-family residence on the subject property in a Ranchette District in accordance with the Pennington County Zoning Ordinance.

Lot B, Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 22-09 with the following seven (7) conditions:

1. 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;
2. That the address is clearly posted on the shop with living quarters and future single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;

3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);
4. That the minimum setback requirements of a Ranchette District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That the living quarters be removed or a Conditional Use Permit be obtained once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
6. That the subject property remains free of debris and junk vehicles; and,
7. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Note: unanimous 7 to 0.

- 13. CONDITIONAL USE PERMIT REVIEW / CUR 23-12: Reece and Jaden Chambers. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.**

Lot 3, Block 1, Alpine Acres Meadow, Section 13, T2N, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-12 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on the South Dakota Department of Agriculture and Natural Resources (SD DANR), be limited to six people and the maximum daytime occupancy be limited to twelve 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 DANR;
3. That the guest(s) receive permission from the local contact to utilize the fire pit, and all fire restrictions be followed at all times as pertaining to the fire pit;
4. That the applicant provide the phone number and/or internet site address providing the current day's fire conditions and restrictions, as pertaining to the use of a fire pit;
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 one off-street parking space per bedroom 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 (12311 Whitetail Road) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Whitetail Road, 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 Executive Lodging of the Black Hills by Vacasa, the interior informational sign be updated and the applicant re-notify the Planning Department 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 three years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

14. **CONDITIONAL USE PERMIT REVIEW / CUR 23-13**: Neil and Terry Foust. To review living in the existing residence while building a single-family residence in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 1R (also in Section 7), Block 3, Paha Sapa High Country Tract 2, Section 18, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit Review / CUR 23-13 with the following seven (7) conditions:

1. **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;**
2. **That the address is clearly posted on the single-family residence and at the driveway in accordance with Pennington County's Ordinance #20;**
3. **That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);**
4. **That the minimum setback requirements of a Rural Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
5. **That the existing living quarters and kitchen be removed from the existing residence once the proposed residence is habitable or at the expiration of the Building Permit for the proposed residence, whichever comes first;**
6. **That the subject property remains free of debris and junk vehicles; and,**
7. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

15. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PUR 22-09**: Hart Ranch Camping Resort Club; Tim Schnabel - Agent. To review the existing Hart Ranch Planned Unit Development to allow a warehouse to be utilized as an event center in accordance with the Pennington County Zoning Ordinance.

Hart Ranch Camping Resort Parcel of Hart Ranch Development, Section 18, T1S, R8E, BHM, Pennington County, South Dakota.

To approve of Minor Planned Unit Development Amendment Review / PUR 22-09 with the following fifteen (15) conditions:

1. **That the permitted use allows an existing warehouse to be utilized as an event venue;**

2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That all natural drainage paths be continually maintained;
4. That an address be posted on the event venue so it is clearly visible, in accordance with Pennington County Ordinance #20;
5. That access to the event venue be taken only from Arena Drive;
6. That parking be provided on-site and maintained in a dust-free manner;
7. That the occupancy of the event venue be limited to 288 persons, based on the maximum occupancy classification of the structure;
8. That prior to operation, port-a-lets be made available as a means of on-site wastewater disposal;
9. That quiet hours for the event venue are to be consistent with those of the existing resort;
10. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
11. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
12. That the Emergency Plan must be posted inside the structure at all times and any changes of said plan shall be submitted to the Planning Department;
13. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License, as applicable;
14. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
15. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

5. CONDITIONAL USE PERMIT REVIEW / CUR 17-22: Pamela Phillips. To review a single-wide mobile home to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Chairman Johnson requested this item be removed from the Consent Agenda for discussion.

Staff recommended to end Conditional Use Permit / CUR 17-22.

Discussion followed.

Moved by Johnson and seconded by McGregor to end Conditional Use Permit / CUR 17-22.

All voting aye, the Motion carried 7 to 0.

11. CONDITIONAL USE PERMIT REVIEW / CUR 22-02: William and Mavis Jeffery. To review a multi-family residence on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 4, Block 1, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Lewis requested this item be removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit Review / CUR 22-02 with eight (8) conditions:

Discussion followed.

Moved by Lewis and seconded by Drewes to approve of Conditional Use Permit Review / CUR 22-02 with the following eight (8) conditions:

- 1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit prior to any work being done;**
- 2. That a minimum of 4 off-street parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner, in accordance with Pennington County Zoning Ordinance (PZCO) § 310-A-9-1;**
- 3. That the applicant adheres the requirement of PCZO § 303;**
- 4. That the minimum setback requirements of Suburban Residential District be continually maintained on the property;**

5. **That the address, 3210 Reservoir Road, be posted on the residence and at the end of driveway where it intersects Reservoir Road, in accordance with Pennington County Ordinance #20;**
6. **That an address be assigned to the multi-family dwelling unit and be posted on the structure and at the end of driveway where it intersects Reservoir Road, in accordance with Pennington County Ordinance #20;**
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 this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT / COCU 24-0013: Jeff DeVeny. To allow a tattoo shop to be located on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a tattoo shop.

Staff recommended to continue Conditional Use Permit / COCU 24-0013, as there are Building Permits and an Operating License that have not been obtained for the property.

Discussion followed.

Moved by Coleman and seconded by Burton to continue Conditional Use Permit / COCU 24-0013 to the June 10, 2024, Planning Commission meeting to address concerns of staff and the Planning Commission.

All voting aye, the Motion carried 7 to 0.

17. CONDITIONAL USE PERMIT / COCU 24-0014: Share, LLC; Laine Shearer. To allow a Recreational Vehicle Park and overnight equine boarding facility on the subject property in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Tract 1, Ruland Ranch Addition, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle Park and overnight equine boarding facility on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0014 with the following eighteen (18) conditions:

1. That the Recreational Vehicle (RV) park shall consist of no more than 28 RV sites;
2. That prior to operation, the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;
3. That an approved On-Site Wastewater Construction Permit be obtained prior to the construction of the RV park OSWTS;
4. That all RVs dispose of wastewater through an approved OSWTS;
5. That an address be assigned to the RV park and that it be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along 239th Street;
6. That each RV site has a unique number assigned and clearly posted;
7. That a minimum 10-foot separation be maintained between each RV site;
8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;
9. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
10. That the minimum setback requirements of an Agriculture District be maintained on the subject property;
11. That the minimum setback requirements of a Section Line be maintained on the subject property;
12. That prior to operation, the applicant obtains an approved Approach Permit from County Highway;
13. That access to the site be only from the approved County Highway approach;
14. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;

15. That the subject property remains free of debris and junk vehicles;
16. That the applicant adheres to PCZO § 510;
17. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times; and,
18. 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 McGregor and seconded by Kuehn to approve of Conditional Use Permit / COCU 24-0014 with the following eighteen (18) conditions:

- 1. That the Recreational Vehicle (RV) park shall consist of no more than 28 RV sites;**
- 2. That prior to operation, the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;**
- 3. That an approved On-Site Wastewater Construction Permit be obtained prior to the construction of the RV park OSWTS;**
- 4. That all RVs dispose of wastewater through an approved OSWTS;**
- 5. That an address be assigned to the RV park and that it be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along 239th Street;**
- 6. That each RV site has a unique number assigned and clearly posted;**
- 7. That a minimum 10-foot separation be maintained between each RV site;**
- 8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;**
- 9. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;**
- 10. That the minimum setback requirements of an Agriculture District be maintained on the subject property;**

11. That the minimum setback requirements of a Section Line be maintained on the subject property;
12. That prior to operation, the applicant obtains an approved Approach Permit from County Highway;
13. That access to the site be only from the approved County Highway approach;
14. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;
15. That the subject property remains free of debris and junk vehicles;
16. That the applicant adheres to PCZO § 510;
17. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times; and,
18. 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.

18. CONDITIONAL USE PERMIT / COCU 24-0015: R & J, LLC; Juston Eisenbraun - Agent. To allow a Caretaker Residence to be located on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a caretaker residence to be located on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0015 with the following eight (8) conditions:

1. That the address for the proposed caretaker residence be posted on the caretaker residence, so it can be seen from the interior roadway of the property, and at the entrance gate on S. Highway 16 in accordance with Pennington County Ordinance #20;
2. That an approved On-Site Wastewater Construction Permit be obtained prior to the addition or modification of any existing On-Site Wastewater Treatment System on the property;
3. That prior to operation, the approved Building Permit be amended for the caretaker residence;

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 the minimum setback requirements of a Highway Service District be continually maintained on the property or a setback Variance be obtained;
6. That the caretaker residence uses the existing approach off of S. Highway 16 and no additional approach is allowed without SD DOT approval;
7. That the subject property remains free of debris and junk vehicles; and,
8. That this Conditional Use Permit 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.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Conditional Use Permit / COCU 24-0015 with the following eight (8) conditions:

- 1. That the address for the proposed caretaker residence be posted on the caretaker residence, so it can be seen from the interior roadway of the property, and at the entrance gate on S. Highway 16 in accordance with Pennington County Ordinance #20;**
- 2. That an approved On-Site Wastewater Construction Permit be obtained prior to the addition or modification of any existing On-Site Wastewater Treatment System on the property;**
- 3. That prior to operation, the approved Building Permit be amended for the caretaker residence;**
- 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 the minimum setback requirements of a Highway Service District be continually maintained on the property or a setback Variance be obtained;**
- 6. That the caretaker residence uses the existing approach off of S. Highway 16 and no additional approach is allowed without SD DOT approval;**
- 7. That the subject property remains free of debris and junk vehicles; and,**
- 8. That this Conditional Use Permit 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.**

All voting, the Motion passed 4 to 3. Commissioners Coleman, McGregor, Burton, and Kuehn voted yes. Commissioners Johnson, Lewis, and Drewes voted no.

19. CONDITIONAL USE PERMIT / COCU 24-0017: Debra LaLonde. To allow an Accessory Dwelling Unit to be located on the subject property in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Tract 9, Leisure Hills Estates, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of Conditional Use Permit / COCU 24-0017 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 and cannot be a Recreational Vehicle;
4. That the address assigned to the ADU and the primary residence be posted on each respective residence and at the end of the driveway where it intersects E. Paradise 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);
6. That a Building Permit be obtained for the ADU within 90 days of the approval of this Conditional Use Permit.
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 of 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 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 McGregor to approve of Conditional Use Permit / COCU 24-0017 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 and cannot be a Recreational Vehicle;**
- 4. That the address assigned to the ADU and the primary residence be posted on each respective residence and at the end of the driveway where it intersects E. Paradise 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);**
- 6. That a Building Permit be obtained for the ADU within 90 days of the approval of this Conditional Use Permit.**
- 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 of 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 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.

Commissioner Burton left the meeting at 10:40 a.m.

Commissioner Burton returned to the meeting at 10:42 a.m.

20. CONDITIONAL USE PERMIT / COCU 24-0018: Keystone Adventures, Inc.; Andrew Busse. To allow a Recreational Vehicle(s) to be used as temporary employee living quarters on the subject property in a Highway Service District in accordance with the Pennington County Zoning Ordinance.

The Unplatted Bal of GL 16 Less ROW; Unplatted Bal of GL 21 Less ROW; Lot A of W1/2NE1/4SE1/4; PT Lot B Adj to GL 16, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle(s) to be used as temporary employee living quarters on the subject property.

Staff recommended approval of Conditional Use Permit / COCU 24-0018 with the following eleven (11) conditions:

1. That there be no more than 2 Recreational Vehicles (RV) allowed to be utilized as temporary employee living quarters on the subject property;
2. That the RVs not be utilized as a nightly or weekly vacation rental and only be used by the employees of Keystone Adventures;
3. That the applicant applies for a Building Permit for the employee residence within 60 days of approval of this CUP;
4. That an approved On-site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property;
5. That the RVs cannot be occupied until an OSWTS is approved and installed;
6. That an address assigned for the RVs be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Highway 16A, in accordance with Pennington County's Ordinance #20;
7. That the minimum setback requirements of a Highway Service District be maintained on the subject property, or approved Setback Variance(s) be obtained;

8. That the RVs are no longer used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;
9. 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;
10. That the property remains free of debris and junk vehicles; and,
11. 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 McGregor and seconded by Coleman to approve of Conditional Use Permit / COCU 24-0018 with the following eleven (11) conditions:

- 1. That there be no more than 2 Recreational Vehicles (RV) allowed to be utilized as temporary employee living quarters on the subject property;**
- 2. That the RVs not be utilized as a nightly or weekly vacation rental and only be used by the employees of Keystone Adventures;**
- 3. That the applicant applies for a Building Permit for the employee residence within 60 days of approval of this CUP;**
- 4. That an approved On-site Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to the installation of any OSWTS on the property;**
- 5. That the RVs cannot be occupied until an OSWTS is approved and installed;**
- 6. That an address assigned for the RVs be clearly posted on the RV while it is being utilized as living quarters and at the end of the driveway where it intersects Highway 16A, in accordance with Pennington County's Ordinance #20;**
- 7. That the minimum setback requirements of a Highway Service District be maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 8. That the RVs are no longer used as a temporary residence once the single-family residence is finished and habitable, following which the RV only be allowed to be stored on the property and disconnected from utilities;**
- 9. 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;**

10. That the property remains free of debris and junk vehicles; and,
11. 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.

21. MINING PERMIT REGISTRATION / MP 20-11: Pete Lien & Sons. To register existing mining operations (CP99-29, CP99-43, CP99-44, CP01-05, CP05-11, CP08-06, and CP08-07) in accordance with the Pennington County Zoning Ordinance

E1/2SE1/4, Section 19, T2N, R7E; W1/2NW1/4 and E1/2NW1/4, Section 20, T2N, R7E; NW1/4NE1/4 (including Lot B) Less Lot A, Less Lots 1-3 Feist Addition and Less 5245 feet of E232 feet; Vacated Feist Road located in NW1/4NE1/4, Section 20, T2N, R7E; NW1/4SW1/4 and E1/2SW1/2 and SW1/4SE1/4, Section 20, T2N, R7E; Lots 1-6 of Lot B of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot 1 and 3-4 of Lot 1 of NE1/4NE1/4; Lot 2A and 2B of Lot 2 of Lot 1 of NE1/4NE1/4; Lot A of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot X and Y of Lot 1-D of Lot 1 of NE1/4NE1/4 and Tract A, Kinder Subdivision of Section 20, T2N, R7E; Lot 1-3; SE1/4NE1/4 E of HWY 79 including Lot AB1 Less Lot 3 of Eight Grimm's Subdivision No. 1 of Eight Grimms Subdivision No. 1 of Section 20, T2N, R7E; NW1/4NE1/4, Section 13, T2N, R6E; NE1/4NE1/4, Section 13, T2N, R6E; Lot 1; Lot 2R; Balance of Lot 3; Lot 4, Black Hills Light Opera Track Subdivision, Section 17, T2N, R7E; Balance W1/2NW1/4, Balance SE1/4NW1/4, Balance SW1/4, Section 17, T2N, R7E; Lot C, Keller Subdivision, Section 17, T2N, R7E; Lot 2, Keller Subdivision, Section 17, T2N, R7E; E1/2NE1/4, E1/2SW1/4, SE1/4, Lots 3-4, and E1/2E1/2NE1/4SW1/4NW1/4; W1/2W1/2NW1/4SE1/4NW1/4 of Section 18, T2N, R7E; W1/2SW1/4SE1/4; SE1/4SW1/4 SE1/4; N1/2NE1/4SW1/4SE1/4, Section 24, T2N, R6E; E1/2NE1/4; NE1/4SE1/4, Section 24, T2N, R6E; NW1/4SE1/4, Section 24, T2N, R6E; E1/2SE1/4, Section 13, T2N, R6E; PT S1/2S1/2, Section 12, T2N, R6E; N1/2NW1/4, Section 13, T2N, R6E; That Portion of GL 4 located in Pennington County, Section 7, T2N, R7E; PT SE1/4SW1/4; PT SW1/4SE1/4, Section 7, T2N, R7E; Lots 1-3, Block 1, Feist Addition, Section 20, T2N, R7E; Lot 1 of Limestone Tunnel Subdivision and Lot 2A of Lot 2 of NE1/4NE1/4; Lot 2 of NE1/4NE1/4 Less Lot 2A and Less Lot H-1 of Section 20, T2N, R7E; Balance of Lot C of SW1/4NE1/4, Section 17, T2N, R7E; Lot 2 of Lot C of SE1/4SE1/4, Masteller Addition, Section 7, T2N, R7E; SE1/4SE1/4 and S1/2NE1/4SW1/4 SE1/4 of Section 24, T2N, R6E; NE1/4NE1/4 of Section 25, T2N, R6E; GL 1; GL 2 Less E1/2E1/2NE1/4SW1/4NW1/4; E1/2NW1/4 Less W1/2W1/2NW1/4 SE1/4NW1/4; W1/2NE1/4 of Section 18, T2N, R7E; E1/2NW1/4; GL 2 of and W1/2NE1/4 and SW1/4SE1/4 of Section 19, T2N, R7E; E1/2SW1/4 Less Lot 1 of Claire Subdivision; GL 3-4 and Lot 1 of Claire Subdivision and E1/2NE1/4 and NW1/4SE1/4 and GL 1 (AKA NW1/4NW1/4) of Section 19, T2N, R7E; GL 1 (AKA NW1/4NW1/4) and NE1/4NW1/4 and NE1/4; SE1/4NW1/4; and Gov't Lot 2 of Section 30, T2N, R7E; Lot 2 of Knutson Subdivision and That PT of Unplatted Balance Lying S and W of Universal Dr including PT of Lot L and Lot AB1 of SW1/4SW1/4, LESS SE1/4SE1/4, Less RR ROW; Lot 1 of NW1/4SE1/4 and NE1/4SW1/4 of Section 21, T2N, R7E; SW1/4NW1/4; NW1/4SW1/4 of Eight Grimms

Subdivision No. 1 of Section 21, T2N, R7E; Lot F of Cement Plant Addition of Section 28, T2N, R7E; PT N1/2NE1/4 including Lot L; PT SE1/4NE1/4 Less Lot H1; PT NE1/4SE1/4 (all E of RR) of Section 28, T2N, R7E, all located in BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit Registration to register existing mining operations (CP99-29, CP99-43, CP99-44, CP01-05, CP05-11, CP08-06, and CP08-07).

Staff recommended approval of Mining Permit Registration / MP 20-11 with the following two (2) conditions:

1. E1/2SE1/4, Section 19, T2N, R7E; W1/2NW1/4 and E1/2NW1/4, Section 20, T2N, R7E; NW1/4NE1/4 (including Lot B) Less Lot A, Less Lots 1-3 Feist Addition and Less 5245 feet of E232 feet; Vacated Feist Road located in NW1/4NE1/4, Section 20, T2N, R7E; NW1/4SW1/4 and E1/2SW1/2 and SW1/4SE1/4, Section 20, T2N, R7E; Lots 1-6 of Lot B of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot 1 and 3-4 of Lot 1 of NE1/4NE1/4; Lot 2A and 2B of Lot 2 of Lot 1 of NE1/4NE1/4; Lot A of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot X and Y of Lot 1-D of Lot 1 of NE1/4NE1/4 and Tract A, Kinder Subdivision of Section 20, T2N, R7E; Lot 1-3; SE1/4NE1/4 E of HWY 79 including Lot AB1 Less Lot 3 of Eight Grimm's Subdivision No. 1 of Eight Grimms Subdivision No. 1 of Section 20, T2N, R7E; NW1/4NE1/4, Section 13, T2N, R6E; NE1/4NE1/4, Section 13, T2N, R6E; Lot 1; Lot 2R; Balance of Lot 3; Lot 4, Black Hills Light Opera Track Subdivision, Section 17, T2N, R7E; Balance W1/2NW1/4, Balance SE1/4NW1/4, Balance SW1/4, Section 17, T2N, R7E; Lot C, Keller Subdivision, Section 17, T2N, R7E; Lot 2, Keller Subdivision, Section 17, T2N, R7E; E1/2NE1/4, E1/2SW1/4, SE1/4, Lots 3-4, and E1/2E1/2NE1/4SW1/4NW1/4; W1/2W1/2NW1/4SE1/4NW1/4 of Section 18, T2N, R7E; W1/2SW1/4SE1/4; SE1/4SW1/4 SE1/4; N1/2NE1/4SW1/4SE1/4, Section 24, T2N, R6E; E1/2NE1/4; NE1/4SE1/4, Section 24, T2N, R6E; NW1/4SE1/4, Section 24, T2N, R6E; E1/2SE1/4, Section 13, T2N, R6E; PT S1/2S1/2, Section 12, T2N, R6E; N1/2NW1/4, Section 13, T2N, R6E; That Portion of GL 4 located in Pennington County, Section 7, T2N, R7E; PT SE1/4SW1/4; PT SW1/4SE1/4, Section 7, T2N, R7E; Lots 1-3, Block 1, Feist Addition, Section 20, T2N, R7E; Lot 1 of Limestone Tunnel Subdivision and Lot 2A of Lot 2 of NE1/4NE1/4; Lot 2 of NE1/4NE1/4 Less Lot 2A and Less Lot H-1 of Section 20, T2N, R7E; Balance of Lot C of SW1/4NE1/4, Section 17, T2N, R7E; Lot 2 of Lot C of SE1/4SE1/4, Masteller Addition, Section 7, T2N, R7E; SE1/4SE1/4 and S1/2NE1/4SW1/4 SE1/4 of Section 24, T2N, R6E; NE1/4NE1/4 of Section 25, T2N, R6E; GL 1; GL 2 Less E1/2E1/2NE1/4SW1/4NW1/4; E1/2NW1/4 Less W1/2W1/2NW1/4 SE1/4 NW1/4; W1/2NE1/4 of Section 18, T2N, R7E; E1/2NW1/4; GL 2 of and W1/2NE1/4 and SW1/4SE1/4 of Section 19, T2N, R7E; E1/2SW1/4 Less Lot 1 of Claire Subdivision; GL 3-4 and Lot 1 of Claire Subdivision and E1/2NE1/4 and NW1/4SE1/4 and GL 1 (AKA NW1/4NW1/4) of Section 19, T2N, R7E; GL 1 (AKA NW1/4NW1/4) and NE1/4NW1/4 and NE1/4; SE1/4NW1/4; and Gov't Lot 2 of Section 30, T2N, R7E; Lot 2 of Knutson Subdivision and That PT of Unplatted Balance Lying S and W of Universal Dr including PT of Lot L and Lot AB1 of SW1/4SW1/4, LESS SE1/4SE1/4, Less RR ROW; Lot 1 of NW1/4SE1/4

and NE1/4SW1/4 of Section 21, T2N, R7E; SW1/4NW1/4; NW1/4SW1/4 of Eight Grimms Subdivision No. 1 of Section 21, T2N, R7E; Lot F of Cement Plant Addition of Section 28, T2N, R7E; PT N1/2NE1/4 including Lot L; PT SE1/4NE1/4 Less Lot H1; PT NE1/4SE1/4 (all E of RR) of Section 28, T2N, R7E all located in BHM, Pennington County, South Dakota; and,

2. That the Mining Operation continually meets Section 320(H) of the Pennington County Zoning Ordinance.

Discussion followed.

Moved by McGregor and seconded Drewes to approve of Mining Permit Registration / MP 20-11 with the following two (2) conditions:

1. **E1/2SE1/4, Section 19, T2N, R7E; W1/2NW1/4 and E1/2NW1/4, Section 20, T2N, R7E; NW1/4NE1/4 (including Lot B) Less Lot A, Less Lots 1-3 Feist Addition and Less 5245 feet of E232 feet; Vacated Feist Road located in NW1/4NE1/4, Section 20, T2N, R7E; NW1/4SW1/4 and E1/2SW1/2 and SW1/4SE1/4, Section 20, T2N, R7E; Lots 1-6 of Lot B of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot 1 and 3-4 of Lot 1 of NE1/4NE1/4; Lot 2A and 2B of Lot 2 of Lot 1 of NE1/4NE1/4; Lot A of Lot 1-C of Lot 1 of NE1/4NE1/4; Lot X and Y of Lot 1-D of Lot 1 of NE1/4NE1/4 and Tract A, Kinder Subdivision of Section 20, T2N, R7E; Lot 1-3; SE1/4NE1/4 E of HWY 79 including Lot AB1 Less Lot 3 of Eight Grimm's Subdivision No. 1 of Eight Grimms Subdivision No. 1 of Section 20, T2N, R7E; NW1/4NE1/4, Section 13, T2N, R6E; NE1/4NE1/4, Section 13, T2N, R6E; Lot 1; Lot 2R; Balance of Lot 3; Lot 4, Black Hills Light Opera Track Subdivision, Section 17, T2N, R7E; Balance W1/2NW1/4, Balance SE1/4NW1/4, Balance SW1/4, Section 17, T2N, R7E; Lot C, Keller Subdivision, Section 17, T2N, R7E; Lot 2, Keller Subdivision, Section 17, T2N, R7E; E1/2NE1/4, E1/2SW1/4, SE1/4, Lots 3-4, and E1/2E1/2NE1/4SW1/4NW1/4; W1/2W1/2NW1/4SE1/4NW1/4 of Section 18, T2N, R7E; W1/2SW1/4SE1/4; SE1/4SW1/4 SE1/4; N1/2NE1/4SW1/4 SE1/4, Section 24, T2N, R6E; E1/2NE1/4; NE1/4SE1/4, Section 24, T2N, R6E; NW1/4SE1/4, Section 24, T2N, R6E; E1/2SE1/4, Section 13, T2N, R6E; PT S1/2S1/2, Section 12, T2N, R6E; N1/2NW1/4, Section 13, T2N, R6E; That Portion of GL 4 located in Pennington County, Section 7, T2N, R7E; PT SE1/4SW1/4; PT SW1/4SE1/4, Section 7, T2N, R7E; Lots 1-3, Block 1, Feist Addition, Section 20, T2N, R7E; Lot 1 of Limestone Tunnel Subdivision and Lot 2A of Lot 2 of NE1/4NE1/4; Lot 2 of NE1/4NE1/4 Less Lot 2A and Less Lot H-1 of Section 20, T2N, R7E; Balance of Lot C of SW1/4NE1/4, Section 17, T2N, R7E; Lot 2 of Lot C of SE1/4SE1/4, Masteller Addition, Section 7, T2N, R7E; SE1/4SE1/4 and S1/2NE1/4SW1/4 SE1/4 of Section 24, T2N, R6E; NE1/4NE1/4 of Section 25, T2N, R6E; GL 1; GL 2 Less E1/2E1/2NE1/4SW1/4NW1/4; E1/2NW1/4 Less W1/2W1/2NW1/4 SE1/4 NW1/4; W1/2NE1/4 of Section 18, T2N, R7E; E1/2NW1/4; GL 2 of and W1/2NE1/4 and SW1/4SE1/4 of Section 19, T2N, R7E; E1/2SW1/4 Less Lot 1 of Claire Subdivision; GL 3-4 and Lot 1 of Claire Subdivision and E1/2NE1/4 and NW1/4SE1/4 and GL 1 (AKA NW1/4NW1/4) of Section 19, T2N, R7E; GL 1 (AKA NW1/4NW1/4) and**

NE1/4NW1/4 and NE1/4; SE1/4NW1/4; and Gov't Lot 2 of Section 30, T2N, R7E; Lot 2 of Knutson Subdivision and That PT of Unplatted Balance Lying S and W of Universal Dr including PT of Lot L and Lot AB1 of SW1/4SW1/4, LESS SE1/4SE1/4, Less RR ROW; Lot 1 of NW1/4SE1/4 and NE1/4SW1/4 of Section 21, T2N, R7E; SW1/4NW1/4; NW1/4SW1/4 of Eight Grimms Subdivision No. 1 of Section 21, T2N, R7E; Lot F of Cement Plant Addition of Section 28, T2N, R7E; PT N1/2NE1/4 including Lot L; PT SE1/4NE1/4 Less Lot H1; PT NE1/4SE1/4 (all E of RR) of Section 28, T2N, R7E all located in BHM, Pennington County, South Dakota; and,

- 2. That the Mining Operation continually meets Section 320(H) of the Pennington County Zoning Ordinance.**

All voting aye, the Motion carried 7 to 0.

Commissioner Lewis left the meeting at 11:21 a.m.

Commissioner Lewis returned to the meeting at 11:22 a.m.

22. EXECUTIVE SESSION.

Excutive Session was not needed.

23. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 13, 2024, Planning Commission meeting.

24. ITEMS FROM THE PUBLIC

No motions or actions were taken.

25. ITEMS FROM THE STAFF

There were no items from Staff.

26. ITEMS FROM THE MEMBERSHIP

Chairman Johnson spoke of proposed Ordinance Amendments.

27. ADJOURNMENT

Moved by Burton and seconded by Lewis to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:24 a.m.

Charlie Johnson, Chairperson