

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 13, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Rich Marsh, Jim Coleman, Kathy Johnson, Sonny Rivers, and Gary Drewes.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Cody Sack, Jason Theunissen, Michael Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE APRIL 22, 2019, MINUTES
Moved by Marsh and seconded by Johnson to approve the Minutes of the April 22, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE MAY 8, 2019, MINUTES
Moved by Drewes and seconded by Rivers to approve the Minutes of the May 8, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

3. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Marsh to approve the Agenda of the May 13, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Marsh and seconded by Drewes to approve the Consent Agenda of the May 13, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 08-07:** Marilyn Welch. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 37, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 11, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 08-07 to the June 24, 2019, Planning Commission meeting in order to allow the applicant additional time to clean the property and bring it into compliance with Ordinance 106 and Condition #4.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-05:** Beach House, LLC / Troy Schmidt. To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A-9 Revised, Palmer Gulch Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-05 with the following twelve (12) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department of Environment and Natural Resources (SD DENR) approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
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 DENR;
3. That the applicant continue to maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
4. That a minimum of three (3) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
5. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-2151 listed as contacts for Fire Department and Sheriff's Department, during operation of the residence as a VHR;
6. That the lot address continue to be posted on the residence and the approach at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;
7. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;

8. That prior to any work being conducted within the boundaries of the Special Flood Hazard area, an approved Floodplain Development Permit be obtained;
9. That if the person designated as the Local Contact is ever changed from Lesia McLaughlin, 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;
10. That all applicable Federal, State, and local regulations continue to be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That the applicant obtain an approved Building Permit for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director; and,
12. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-24**: Founding Fathers, LLC / Don Perdue. To review a bell tower sign to be 50 feet tall with the total height of the letters to be 35 feet tall in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot A of SW1/4SW1/4; Lot A1 of Lot H2 of SW1/4SW1/4; Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-24 with the following five (5) conditions:

1. 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;
2. That a Sign Permit be obtained for any sign on the subject property and must conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
3. That all signs continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;

4. That only on-premise advertising and public information be allowed on the bell tower sign, COSP15-0017, and no off-premise advertising be allowed unless otherwise permitted with Pennington County through approval of an approved Conditional Use Permit; and,
5. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-41:** Robert and Glenda Frank. To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the March 11, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 16-41.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-10:** Maurice and Sonja Crowley. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Copper Oaks #2 Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 17-10 with the applicant's concurrence.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-11:** Gerard and Michele Mlinar. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2A, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-11 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) 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 DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be 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 Department, during operation of the Vacation Home Rental;
8. That the lot address (13704 Highway 40) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 40, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Gerard Mlinar, 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;

11. 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;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That each review of Conditional Use Permit / CU 17-11, be subject to PCZO § 511(F)(4), which imposes a \$100 fee per review; and,
14. That this Conditional Use Permit be reviewed in two (2) 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 6 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-14:** David and Laura Jones. To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-14 with the following nine (9) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
2. That the address for the property (13630 Twisted Oak Trail) be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. As well as posted on the residence and at the driveway so as to be visible from Twisted Oak Trail, in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence continue to be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That the subject property continually remains free of debris and junk vehicles, in accordance with Ordinance #106;

6. 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;
7. That upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended; and,
9. That this Conditional Use Permit be reviewed in November of 2019, 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 6 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-01**: Ron Weifenbach. To review for seasonal retail sales of Class C fireworks in a General Commercial District in accordance with Sections 204-D, 209, and 510 of the Pennington County Zoning Ordinance.

All, Block 8, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28th to January 1st from the hours of 7 a.m. to 12 a.m.;
3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;

6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,
10. That this Conditional Use Permit be reviewed at the June 10, 2019, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

Vote: unanimous 6 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-14:** All American Sales; Doug Bellinger - Agent. To review seasonal retail sales of Class C Fireworks in a Heavy Industrial District in accordance with Sections 204, 212, and 510 of the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 Less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-14 with the following thirteen (13) conditions:

1. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
2. That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, be posted in accordance with Pennington County Ordinance #20;
3. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
4. That the sale of fireworks be limited to June 1st to July 5th of each year and from the hours of 7 a.m. to 12 a.m.;

5. That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
6. That a minimum of one (2) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;
7. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
8. That no parking be along the frontage road;
9. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
10. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
11. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present;
12. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year; and,
13. That this Conditional Use Permit be reviewed no later than the second meeting in May 2020, 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.

13. **CONDITIONAL USE PERMIT / CU 19-06:** Big Game Storage, LLC; Chris Peterson. To allow a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 19-06 with the following five (5) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs

must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;

2. That a Building Permit be obtained for the sign prior to any work done for the sign.
3. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
5. 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 Conditionals of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

14. ROAD NAMING: Fern and Ross Johnson. To name a proposed 30-foot-wide Section Line Right-of-Way providing access to properties located in Sections 29 and 30, T1N, R8E, BHM, Pennington County, South Dakota, to Providence Way.

Sack reviewed the Road Naming request to name a proposed 30-foot-wide Section Line Right-of-Way providing access to properties located in Sections 29 and 30, T1N, R8E, BHM, Pennington County, South Dakota, to Providence Way.

Staff recommended approval of the Road Name of Providence Way.

Discussion followed.

Moved by Coleman and seconded by Marsh to approve of the Road Naming of Providence Way.

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAT / LPL 19-09: David Grover. To create Lot 1 of Grover Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract A of HES #303 Less Tract Dean, Less Tract Drew and Less ROW, HES #303, Section 32, T1S, R5E, BHM, Pennington County, South Dakota and a

portion of existing GL 5 Less Tract Drew of HES #303 and Less ROW, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Grover Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot 1 of Grover Subdivision.

Staff recommended approval of Layout Plat / LPL 19-09 with the following six (6) conditions:

1. That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Old Hill City Road;
2. That prior to the Plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per § 700 of Pennington County Subdivision Regulations;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Drewes and seconded by Johnson to approve of Layout Plat / LPL 19-09 with the following six (6) conditions:

- 1. That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Old Hill City Road;**
- 2. That prior to the Plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;**
- 3. That the applicant ensures all natural drainage ways are maintained and are not blocked;**

4. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per § 700 of Pennington County Subdivision Regulations;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

16. LAYOUT PLAT / LPL 19-08 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-02: Ryan and Dawn Loraas; Fisk Land Surveying – Agent. To combine two lots to create Lot 4R of Block D, Edelweiss Mountain Development Subdivision and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 (also in Section 20) and Lot 3 of Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R, Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat and Subdivision Regulations Variance to combine two lots to create Lot 4R of Block D, Edelweiss Mountain Development Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 19-02 to waive the following platting requirements: (1.) Any additional easement or road improvements and design standards for Suburban Residential zoning for Danube Lane, Brenner Pass and Alpine Drive; (2.) Allow more than 2 lots to be served by a 30' wide easement; and, (3.) Allow consolidation of lots on a dead end road system exceeding specified road length and number of units.

Staff recommended approval of Layout Plat / LPL 19-08 with the following eight (8) 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 the existing address continue to be properly posted in accordance with Pennington County's 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;
7. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Moved by Marsh and seconded by Drewes to approve of Subdivision Regulations Variance / SV 19-02 to waive the following platting requirements: (1.) Any additional easement or road improvements and design standards for Suburban Residential zoning for Danube Lane, Brenner Pass and Alpine Drive; (2.) Allow more than 2 lots to be served by a 30' wide easement; and, (3.) Allow consolidation of lots on a dead end road system exceeding specified road length and number of units..

All voting aye, the Motion carried 6 to 0.

Moved by Johnson and seconded by Marsh to approve of Layout Plat / LPL 19-08 with the following eight (8) 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 the existing address continue to be properly posted in accordance with Pennington County's 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;**
7. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
8. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 6 to 0.

Commissioner Marsh left the meeting at 9:22 a.m.

17. SUBDIVISION REGULATIONS VARIANCE / SV 19-03: John and Ann Hovdenes; Fisk Land Surveying – Agent. To waive platting requirements in order to create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Unplat PT of N1/2NE1/4NE1/4 Lying N of Hwy; Unplat PT of N1/2S1/2NE1/4NE1/4 Lying N of Hwy, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Subdivision Regulations Variance to waive platting requirements in order to create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way.

Commissioner Marsh returned to the meeting at 9:23 a.m.

Staff recommended approval of Subdivision Regulations Variance / SV 19-03 to waive the following four (4) platting requirements: (1.) Any additional improvements to Cosmos Road; (2.) Dedication and improvements to the Section Line Right-of-Way; (3.)

Reduce the standard 8-foot easement width to 6-feet on one lot line for existing structures; and, (4.) Percolation tests and soil profile hole information.

Discussion followed.

Moved by Marsh and seconded Rivers to approve of Subdivision Regulations Variance / SV 19-03 to waive the following four (4) platting requirements: (1.) Any additional improvements to Cosmos Road; (2.) Dedication and improvements to the Section Line Right-of-Way; (3.) Reduce the standard 8-foot easement width to 6-feet on one lot line for existing structures; and, (4.) Percolation tests and soil profile hole information.

All voting aye, the Motion carried 6 to 0.

18. REZONE / RZ 19-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-05: John and Ann Hovdenes; Fisk Land Surveying – Agent. To rezone 10.89 acres from General Agriculture District to Limited Agriculture District, for proposed Lot 1, and to rezone 6.22 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District and General Commercial District in accordance with Sections 205, 206, 209, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description for proposed Lot 1: A parcel of land located in the Northeast One-Quarter of the Northeast One-Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty Two (32), Township One South (T1S), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota more fully described as follows: Commencing at the northeast corner of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a US Forest Service aluminum cap; thence, westerly along the north line of said Section 32, North 89°55'58" West a distance of 181.57' more or less to the point of beginning, said point being marked by a rebar with survey cap "LS 6565"; thence, South 11°08'29" West 441.61' more or less to the northeast corner of Tract A of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a rebar with survey cap "LS 1019"; thence, northwesterly on the northerly line of said Tract A of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, North 78°52'33" West a distance of 361.94 feet more or less to the northwest corner of said Tract A, said point being marked by a rebar with survey cap "LS 1019"; thence, southwesterly along the west line of said Tract A of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM and also along the west line of Tract B of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, South 11°09'30" West a distance of 434.30' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 76°05'54" West a distance of 23.01' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the right on a curve with a radius of 73.70', a delta of 41°06'00", an arc length of 52.87' and a chord bearing of North 55°32'54" West and chord distance of 51.74' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 34°59'54" West a distance of 34.10' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the left on a curve with a radius of 391.42', a delta of 15°53'00", an arc length of 108.51' and a chord bearing of North 42°56'24" West with a chord distance of 108.16' more or

less to a point marked by a rebar with survey cap "LS 6565"; thence, North 50°52'54" East a distance of 122.90' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the right on a curve with a radius of 999.42', a delta of 16°32'00", an arc length of 288.39' and a chord bearing of North 42°36'54" West and chord distance of 287.39' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 34°20'54" West a distance of 133.08' more or less to a point on the southerly line of Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, easterly and on the south line of said Lot 1 of Overby Subdivision, North 74°22'46" East a distance of 56.06 feet more or less to the southeast corner of said Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, northerly and on the east line of said Lot 1 of Overby Subdivision, North 00°03'16" East a distance of 93.29' more or less to a point on the east line of said Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, northeasterly on the east line of said Lot 1 of Overby Subdivision, North 45°03'16" East a distance of 200.06' more or less to the northeast corner of said Lot 1 of Overby Subdivision, said point being located on the north line of said Section 32, T1S, R6E, BHM and marked by a rebar with survey cap "LS 1019"; thence, east along the north line of said Section 32, T1S, R6E, BHM, South 89°55'58" East a distance of 852.10' more or less to the point of beginning. Said tract of land contains 10.89 acres more or less, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

LEGAL DESCRIPTION: Located on the following metes and bounds description for proposed Lot 2: A parcel of land located in the Northeast One-Quarter of the Northeast One-Quarter (NE¹/₄NE¹/₄) of Section Thirty Two (32), Township One South (T1S), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota more fully described as follows: Commencing at the northeast corner of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a US Forest Service aluminum cap, and the point of beginning; thence, southerly along the east line of said section, South 00°04'53" East a distance of 993.33' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 89 ° 53' 50" West a distance of 254.84 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the left on a curve with a radius of 321.20', a delta of 26° 07' 58", an arc length of 146.50' and a chord bearing of North 45°33'43" West with a chord distance of 145.23' more or less to a point on the east line of Tract B of the NE¹/₄NE¹/₄ of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a rebar with survey cap "LS 6565"; thence, northeasterly along the east line of said Tract B and also along the east line of Tract A of the NE ¹/₄ NE ¹/₄ of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, North 11°08'29" East a distance of 908.52' more or less to a point on the north line of said Section 32, T1S, R6E, BHM, said point being marked by a rebar with survey cap "LS 6565"; thence, easterly on the north line of said Section 32, T1S, R6E, BHM, South 89°55'58" East a distance of 181.57 more or less to the point of beginning. Said tract of land contains 6.22 acres more or less, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to rezone 10.89 acres from General Agriculture District to Limited Agriculture District, for proposed Lot 1, and to rezone 6.22 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future

Land Use from Planned Unit Development Sensitive to Limited Agriculture District and General Commercial District.

Staff recommended approval of Rezone / RZ 19-05 and Comprehensive Plan Amendment / CA 19-05.

Moved by Johnson and seconded by Drewes to approve of Rezone / RZ 19-05 and Comprehensive Plan Amendment / CA 19-05.

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 19-05: Fat Boys, Inc; Bob Fuchs – Agent. To allow for a campground on the subject property to include RV sites, tent camping, cabins, and a motel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1-3 less Lot 1A of Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a campground on the subject property to include RV sites, tent camping, cabins, and a motel in a Limited Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 19-05 with the following twenty-six (26) conditions:

1. That the applicant not begin operation of the campground without first complying with the Conditions of Approval;
2. That prior to operation, the Onsite Wastewater Treatment System is upgraded and approved for the new and expanded use;
3. That prior to the use of the tent camping site, that, at minimum, an approved Floodplain Development Permit be approved for the subject site;
4. That the uses of the Conditional Use Permit allow for only: four (4) hotel rooms (one bedroom, bath, and kitchen in each hotel room), seventeen (17) Recreational Vehicle Sites (a recreational vehicle is not to include Park Model Homes or Tiny Homes), ten (10) cabins with no plumbing, ten (10) tent sites, a minimum of forty-one (41) parking spaces, bathhouse (bathrooms, shower, and laundry), and the sale of beer and wine (with applicable licenses). An increase in these uses shall require CU 19-05 to be amended in the same manner as a new Conditional Use Permit, per § 510 of the Pennington County Zoning Ordinance;
5. That “Temporary” shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 19-05 not to exceed 180-calendar days;

6. That an approved Temporary Building Permit be obtained for any temporary 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;
7. That an approved Building Permit be obtained for any non-temporary 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;
8. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;
9. That the minimum required setbacks of a Limited Agriculture District and Highway Service District (respectively) be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That addresses be assigned to the subject property, along with other identifying site numbers, and posted in accordance with Pennington County's Ordinance #20;
11. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources prior to the operation of the campground;
12. That a minimum of 41 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
13. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
14. That prior to the operation of the Campground, the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
15. 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 19-05;
16. That the applicant provide each overnight guest with a map showing the Special Flood Hazard Area in relation to the subject property and proper evacuation routes;
17. That, at a minimum, a Floodplain Development Permit be approved prior to any work being done within a Special Flood Hazard Area;

18. That the property remains free of debris and junk vehicles and all structures be well-maintained;
19. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO's. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
20. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
21. That quiet hours for the campground be between 10 p.m. and 8 a.m.;
22. That emergency turn-arounds be provided on-site;
23. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
24. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
25. That prior to operation the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 19-05, which is available at the Planning Office; and,
26. 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 Coleman and seconded by Marsh to approve of Conditional Use Permit / CU 19-05 with the following twenty-seven (27) conditions:

- 1. That the applicant not begin operation of the campground without first complying with the Conditions of Approval;**
- 2. That prior to operation, the Onsite Wastewater Treatment System is upgraded and approved for the new and expanded use;**
- 3. That prior to the use of the tent camping site, that, at minimum, an approved Floodplain Development Permit be approved for the subject site;**
- 4. That the uses of the Conditional Use Permit allow for only: four (4) hotel rooms (one bedroom, bath, and kitchen in each hotel room), seventeen (17)**

Recreational Vehicle Sites (a recreational vehicle is not to include Park Model Homes or Tiny Homes), ten (10) cabins with no plumbing, ten (10) tent sites, a minimum of forty-one (41) parking spaces, bathhouse (bathrooms, shower, and laundry), and the sale of beer and wine (with applicable licenses). An increase in these uses shall require CU 19-05 to be amended in the same manner as a new Conditional Use Permit, per § 510 of the Pennington County Zoning Ordinance;

- 5. That “Temporary” shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 19-05 not to exceed 180-calendar days;**
- 6. That an approved Temporary Building Permit be obtained for any temporary 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;**
- 7. That an approved Building Permit be obtained for any non-temporary 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;**
- 8. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;**
- 9. That the minimum required setbacks of a Limited Agriculture District and Highway Service District (respectively) be continually maintained on the subject property, or approved Setback Variance(s) be obtained;**
- 10. That addresses be assigned to the subject property, along with other identifying site numbers, and posted in accordance with Pennington County’s Ordinance #20;**
- 11. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources prior to the operation of the campground;**
- 12. That a minimum of 41 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;**
- 13. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;**

14. That prior to the operation of the Campground, the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
15. 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 19-05;
16. That the applicant provide each overnight guest with a map showing the Special Flood Hazard Area in relation to the subject property and proper evacuation routes;
17. That, at a minimum, a Floodplain Development Permit be approved prior to any work being done within a Special Flood Hazard Area;
18. That the property remains free of debris and junk vehicles and all structures be well-maintained;
19. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO's. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
20. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
21. That quiet hours for the campground be between 10 p.m. and 8 a.m.;
22. That emergency turn-arounds be provided on-site;
23. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
24. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
25. That the applicant submit stamped engineered plans for the study of the bridge on the subject property;
26. That prior to operation the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 19-05, which is available at the Planning Office; and,

- 27. 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 aye, the Motion carried 6 to 0.

20. CONDITIONAL USE PERMIT / CU 19-07: Black Hills Kart Racing, LLC / David Price. To allow a dirt track to be used for dirt track kart racing on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

The Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E of Highway ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a dirt track to be used for dirt track kart racing on the subject property in a General Commercial District.

Staff recommended approval of Conditional Use Permit / CU 19-07 to allow for a Kart Track with the following eighteen (18) conditions:

1. The CU 19-07 be for the following use: Dirt Kart Track; operated only during the following months May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 2:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail;
2. That the applicant submit stamped engineered construction plans and drainage study showing that the existing Kart Track and items associated with this activity will not impact upstream or downstream properties. The plans and study are to be submitted to the Planning Department within twenty-one (21) days of approval of this Permit and prior to commencement of any further construction activity on the existing track;
3. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director;
4. That the applicant or landowner, prior to May 31, 2019, apply for a Commercial Building Permit, with the applicable penalty fees, for the structure “concession stand” which serves the Dirt Race Track;

5. That per 9-1-1 Emergency Services comments, a unique address be assigned, by the Planning Department, for the Dirt Race Track and that this address be posted in accordance with County Ordinance # 20. The address creation and compliance with County Ordinance #20 shall occur prior to May 31, 2019;
6. That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;
7. That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the property;
8. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
9. That the applicant obtain any applicable federal, state, and local permits for the operation of the racetrack;
10. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
11. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
12. That the applicant continually maintains and adheres to the County's Storm Water Pollution Prevention Plan during any period of construction;
13. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
14. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
15. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
16. That at the next review for CU 19-07, the applicant or landowner provide a plan for the future removal and remediation of the area used for the Kart Track;
17. That the applicant and landowner(s) sign the Statement of Understanding (SOU) within seven (7) business days of approval for CU 19-07. The SOU is available in the Planning Office, the following business day; and,

18. That this Conditional Use Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Commissioner Marsh stated he would be abstaining from voting on this item.

Moved by Johnson and seconded by Drewes to approve of Conditional Use Permit / CU 19-07 to allow for a Kart Track with the following eighteen (18) conditions:

1. **The CU 19-07 be for the following use: Dirt Kart Track; operated only during the following months May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 2:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail;**
2. **That the applicant submit stamped engineered construction plans and drainage study showing that the existing Kart Track and items associated with this activity will not impact upstream or downstream properties. The plans and study are to be submitted to the Planning Department within twenty-one (21) days of approval of this Permit and prior to commencement of any further construction activity on the existing track;**
3. **That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director;**
4. **That the applicant or landowner, prior to May 31, 2019, apply for a Commercial Building Permit, with the applicable penalty fees, for the structure “concession stand” which serves the Dirt Race Track;**
5. **That per 9-1-1 Emergency Services comments, a unique address be assigned, by the Planning Department, for the Dirt Race Track and that this address be posted in accordance with County Ordinance # 20. The address creation and compliance with County Ordinance #20 shall occur prior to May 31, 2019;**
6. **That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;**
7. **That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the property;**

8. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
9. That the applicant obtain any applicable federal, state, and local permits for the operation of the Kart Track;
10. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
11. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
12. That the applicant continually maintains and adheres to the County's Storm Water Pollution Prevention Plan during any period of construction;
13. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
14. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
15. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
16. That at the next review for CU 19-07, the applicant or landowner provide a plan for the future removal and remediation of the area used for the Kart Track;
17. That the applicant and landowner(s) sign the Statement of Understanding (SOU) within seven (7) business days of approval for CU 19-07. The SOU is available in the Planning Office, the following business day; and,
18. That this Conditional Use Permit be reviewed no later than the August 26, 2019, Planning Commission meeting, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 5 to 0. Commissioner Marsh abstained from voting.

CONSTRUCTION PERMIT AGENDA

21. INTRODUCTION OF CONSTRUCTION PERMIT AGENDA

Michaele Hoffman, Deputy State's Attorney, appeared and spoke of action / approval on Construction Permits by the Planning Director, pursuant to Pennington County Zoning Ordinance § 507 (A) effective September 25, 2013.

22. CONSTRUCTION PERMIT REVIEW / CP 98-21: Dakota Stone Company. To review the continued use of and expand the Crook Creek Quarry in accordance with Section 507 of the Pennington County Zoning Ordinance.

SE1/4SW1/4 of Section 13 and the NE1/4NW1/4 and the NW1/4NE1/4 of Section 24, all located in T2S, R3E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director not make a decision on Construction Permit / CP 98-21 until such time that Staff can perform a site visit.

23. CONSTRUCTION PERMIT REVIEW / CP 17-03: Mitch Morris. To review the grading of the site and use as a storage area to stockpile soil and concrete debris.

Lot 1 of SW1/4NE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 17-03 until such time that erosion and sediment controls are implemented on the subject property with the following seven (7) conditions:

1. That erosion control measures implemented immediately and are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That the disturbed areas be re-vegetated as required in Section 507- A(5)(c); and,

7. That this Construction Permit be reviewed on a complaint basis or as directed by the Planning Director.

24. CONSTRUCTION PERMIT REVIEW / CP 18-04: Stromer Properties, LLC; Brook Stromer – Agent. To review the construction of a parking area on the subject property.

Lot A2, Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the April 22, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 18-04 to the May 28, 2019, Planning Commission meeting to allow the applicant time to contact staff.

25. CONSTRUCTION PERMIT REVIEW / CP 18-10: Cross Country Real Estate. To grade in order to flatten the area to receive 4” gravel for a new parking lot.

Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E of HWY ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 25, 2019, Planning Commission meeting.)

Molitor stated Staff recommended that a decision is not made on Construction Permit / CP 18-10 until such time grading and elevation information (pre- and post-construction) and the requested drainage study is received by the Planning Department from the applicant. When required information is received and reviewed by Staff and the Planning Director, the Planning Director can make a decision regarding this request.

26. CONSTRUCTION PERMIT REVIEW / CP 18-12: Brad Nible. To review the excavation and leveling of a hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Lot 2A, Block 6, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the April 22, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 18-12 until such time the applicant submits engineered plans to stabilize the hillside on the subject property with the following thirteen (13) conditions. When required information is received and reviewed by Staff and the Planning Director, the Planning Director can make a decision regarding this request.

1. That erosion control measures are and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington County Zoning Ordinance;

2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Planning Department for review within 30 days;
3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
4. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Planning Department and approved by the Planning Director by June 18, 2019;
8. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
11. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
12. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the Pennington County Zoning Ordinance;
13. That all Conditions of Approval are met and all fees paid for prior to the stop work order being lifted.

27. CONSTRUCTION PERMIT REVIEW / CP 19-01: Site Work Specialists. To review installation of public and private utilities to include water, sanitary sewer, storm sewer, common utility trench (power, communication, and gas). Also includes installation of concrete curb, gutter, and sidewalk; to also include asphalt pavement and the extension of the water line from Springfield Road to Reservoir Road.

Tract F of NW1/4 less Murphy ft Subdivision less Murphy Ranch Estates Subdivision and less Right-of-Way, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 19-01 with the following fourteen (14) conditions:

1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage *immediately* after being notified or as discovered by the owner during weekly inspections;
8. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

10. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
 12. That it is the responsibility of the applicant to gain approval to cross the Murphy Ditch;
 13. That no sediment enters the Murphy Ditch, and that if sediment does reach the ditch, the applicant is responsible for removing the sediment immediately upon discovery.
 14. That this Construction Permit be reviewed in six (6) months, or on a complaint basis, or as required by the Planning Director.
28. CONSTRUCTION PERMIT / CP 19-05: Rimrock Evangelical Free Church. To surface existing gravel parking lots with asphalt pavement, excavation for utilities and improvements. An existing parking area will be used for contractor staging and material storage, staging area will be resurfaced with gravel surfacing at the end of the project. The project includes grading and shaping of the parking area and construction of permanent water quality features.

Lot 2 Revised of Lot A Revised of SE1/4SE1/4, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP-19-05 with the following fifteen (15) conditions:

1. That erosion control measures are implemented prior to any work and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the applicant acquires a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities and that the Conditions of Approval for the permit are continually met;
3. The applicant not increase flows to the ditch along Norris Peak Rd,
4. That detention is installed for the increase in storm water flows from the new parking lot;
5. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;

6. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
7. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
8. That all natural drainage ways and paths be continually maintained;
9. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
10. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
12. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
13. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
14. That the applicant sign a Statement of Understanding within ten (10) business days of approval; and,
15. That this Construction Permit be reviewed in six (6) months, or as directed by the Planning Director.

END OF CONSTRUCTION PERMIT AGENDA

Moved by Marsh and seconded by Drewes to recess. All voting aye, the Motion carried 6 to 0.

Moved by Johnson and seconded by Marsh to reconvene. All voting aye, the Motion carried 6 to 0.

29. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.

(Continued from the April 22, 2019, Planning Commission meeting.)

Conover reviewed that this is an Ordinance Amendment to amend/adopt the Pennington County Comprehensive Plan.

Discussion followed.

Commissioner Drewes left the meeting at 11:29 a.m.
Commissioner Drewes returned to the meeting at 11:31 a.m.

Chairman Lasseter left the meeting at 11:43 a.m.

Discussion continued.

30. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the April 22, 2019, Planning Commission meeting.

Moved by Rivers and seconded by Johnson to rehear Item #29. All voting aye, the Motion carried 5 to 0.

29. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.

Moved by Johnson and seconded by Rivers to approve recommended changes to portions of the Comprehensive Plan for Ordinance Amendment / OA 19-01.

All voting aye, the Motion carried 5 to 0.

Moved by Rivers and seconded by Drewes to continue Ordinance Amendment / OA 19-01 to the May 28, 2019, Planning Commission meeting, and, if needed, to the June 10, 2019, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

30. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the April 22, 2019, Planning Commission meeting.

31. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

32. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for April 2019.
- B. Ordinance Officer. Conover informed the Planning Commission that the Ordinance Officer took another position and asked the Planning Commission members to contact staff if they are interested in sitting in on interviews for the new Ordinance Officer.

33. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

34. ADJOURNMENT

Moved by Drewes and seconded by Rivers to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 12:44 p.m.

Travis Lasseter, Chairperson

Rich Marsh, First Vice-Chairperson