

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 28, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Kristina Proietti, Brittney Molitor, Cody Sack, Jason Theunissen, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE OCTOBER 14, 2019, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the October 14, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Drewes and seconded by Lasseter to approve the Agenda of the October 28, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Drewes and seconded by Runde to approve the Consent Agenda of the October 28, 2019, Planning Commission meeting, with the removal of Items #4 and #10. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 98-10:** Hard Rock Investments, LLC.
To review a well drilling business and accessory exterior equipment and material storage in a Highway Service District in accordance with Sections 210-C and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 7, Block 2, Original Town of Deadbroke, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 98-10 with the following seven (7) conditions:

1. **That the hours of business operation be between 6:00 a.m. to 10:00 p.m. and all heavy equipment and pipe be moved, loaded or unloaded between the hours of 6:30 a.m. and 9:00 p.m. between April 1 and November 1. During the remaining months, the hours of business operation shall not be restricted;**

2. That the addition of accessory structures (i.e. decks, sheds, garages, additions to the mobile home, etc.) shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
3. That the applicant continues to hold an Excise Tax License as required by the South Dakota Department of Revenue;
4. That the applicant maintains the six (6) foot tall solid fence that was constructed between the two (2) buildings to store and screen from view all material and equipment used in the operation of the business from the general public;
5. That the applicant maintains the visual/noise barrier that was placed along the north property line between the highway right-of-way, 66-foot common access easement and the 100-year floodplain. The landscape plan shall remain containing a minimum of five (5) evergreens and five (5) deciduous trees all at least five (5) feet tall at the time of planting. All landscaping material to be maintained in a live state and be provided with an irrigation system;
6. That the applicant maintains the minimum of five (5) off-street parking spaces that have been provided. All off-street parking spaces shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use; and,
7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-14:** Darrell and Mary Harkin. To review a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 15-14, as it is no longer needed.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-40**: Richard Burton. To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NE1/4; S1/2SW1/4SW1/4NE1/4; SE1/4SW1/4NE1/4; N1/2N1/2NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

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

To end Conditional Use Permit / CU 17-40 with the applicant's concurrence.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-42**: Kyle and Kristina Volmer. To review living in a Recreational Vehicle while building a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4 of GL4, Section 7, T1N, R13E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-42 with the following eleven (11) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized, only by the landowners, as living quarters on the subject property during construction of the single-family residence;**
2. **That the address for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from 231st St, in accordance with Pennington County's Ordinance #20;**
3. **That the Recreational Vehicle (RV) being used as a temporary residence 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 General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;**
5. **That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries the Special Flood Hazard Area located on the subject property;**
6. **That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;**

7. That a private access easement to cross the neighboring property (GL 1-2; W1/2 of GL 3; W1/2 of GL 4) to complete the access to the subject property be filed with the Register of Deeds;
8. 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;
9. 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;
10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
11. That this Conditional Use Permit be reviewed in October 2020, 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.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To review an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 18-10 to the April 27, 2020, Planning Commission meeting with the following one (1) condition:

1. That additional continuations of this request will be subject to the \$100.00 continuation fee in accordance with Pennington County Zoning Ordinance § 511 (X).

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-37:** Glenn and Debbie Lepp. To review an Alpaca Guest Ranch and store on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-37 with the following eleven (11) conditions:

1. That Conditional Use Permit / CU 18-37 is for the continued on-site operation of an Alpaca Store which is located within the single-family residential structure;
2. That additional uses on the subject property, not approved under CU 18-37, shall require amendments to CU 18-37 in accordance with *Pennington County Zoning Ordinance §510(A)*;
3. That the Alpaca Store business be in compliance with all Federal, State, and Local requirements prior to operations;
4. That all materials for the Alpaca Store shall be stored within an enclosed structure when not in use;
5. That the Alpaca Store may be operated daily, but shall only operate between the hours of 8 a.m. to 7 p.m.;
6. That two (2) portable fire extinguishers, each with a minimum 2 A-BC rating, be placed within the structure that houses the Alpaca Store;
7. That parking is provided per Pennington County Zoning Ordinance § 310;
8. That a Building Permit be obtained for any structure(s) 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;
9. That the property remain free of debris and junk, in accordance with Pennington County Ordinance #106;
10. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
11. That this Conditional Use Permit be reviewed in June 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.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-40:** Eli Rodolph / Rodolph Investments. To review an accessory structure (pole barn building) prior to a principal structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-40 with the following ten (10) conditions:

- 1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;**
- 2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;**
- 4. That the proposed pole barn be used for personal use only and no commercial-type uses;**
- 5. That all the natural drainage paths be maintained;**
- 6. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;**
- 7. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance § 507(A) and 511(C)(1);**
- 8. That the lot address (13337 S. Highway 16) continue to be posted on the pole barn at all times and at the end of the driveway off of S. Highway 16, in accordance with Pennington County's Ordinance #20;**
- 9. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106; and,**
- 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 6 to 0.

- 12. PLANNED UNIT DEVELOPMENT REVIEW / PU 01-05: William Anderson, Cliff and Billy Janis, and S-L Holdings LLC. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.**

Tract 1 and Tract 2, of KWA Subdivision and NE1/4SE1/4 Less KWA Subdivision Less Lot H-1 of S1/2NE1/4SE1/4, all located in Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the August 26, 2019, Planning Commission meeting.)

To continue the review of Planned Unit Development / PU 01-05 to no later than the December 16, 2019, Planning Commission meeting to allow time for Staff and the Landowners to meet and address the complaint and possible amendments to PU 01-05.

Vote: unanimous 6 to 0.

13. **PLANNED UNIT DEVELOPMENT / PU 19-05 AND MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06:** Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development and to amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

(Rezone) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Major PUD Amendment) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the continuation of the hearing of Planned Unit Development / PU 19-05 and to recommend approval of the continuation of the hearing of Major Planned Unit Development Amendment / PU 19-06 with the following one (1) condition:

1. **That when a new hearing date is determined, the applicant will pay for new hearing letters, along with new advertising.**

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

4. CONDITIONAL USE PERMIT REVIEW / CU 01-01: Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The North 175 feet and the West 250 feet of Lot D, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 01-01 with the following seventeen (17) conditions:

1. That the mobile home park continue to be limited to a total of twelve (12) mobile home lots, two (2) apartments, one (1) caretaker's residence, and one (1) manager's office;
2. That two (2) graveled parking spaces continue to be provided for each mobile home lot and four (4) additional parking space for guests continue to be located by the manager's office;
3. That, at a minimum, a No-Rise Certificate and Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated Special Flood Hazard Area;
4. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the City of Rapid City;
5. That it be recommended that individual water meters be supplied for each new mobile home, or at the time of replacement of existing mobile homes;
6. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
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 the interior roads continue to be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and all roads continue to be maintained in a dust free manner;
9. That all structures continue to be located a minimum of ten (10) feet from interior access roads, within the mobile home park, and there be a minimum of twenty (20) feet between living units;
10. That the mobile home park continue to have a rear and side yard setback of not less than ten (10) feet;

11. That the mobile home park continue to have a Management Office and such service buildings as necessary, located on the property;
12. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
13. That the mobile home park has one (1) common address that shall continue to be posted on the management office and that each home in the park shall continue to be individually labeled with their own unit number. The unit numbers shall continue to be posted on the homes so that they are clearly visible from the main access road;
14. That at such time the living units on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District;
15. That the applicant provide the pumping and inspection information to the City for Lot 5, prior to the next review, so that the County can issue COBP15-0211;
16. That prior to the next review of CU 01-01, the applicant provide the Planning Department with copies of all Operating Permits, for the subject property, as provided by the City of Rapid City;
17. That this Conditional Use Permit in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners, and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of the extension of Conditional Use Permit / CU 01-01 with the following seventeen (17) conditions:

- 1 That the mobile home park continue to be limited to a total of twelve (12) mobile home lots, two (2) apartments, one (1) caretaker's residence, and one (1) manager's office;**
- 2. That two (2) graveled parking spaces continue to be provided for each mobile home lot and four (4) additional parking space for guests continue to be located by the manager's office;**
- 3. That, at a minimum, a No-Rise Certificate and Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated Special Flood Hazard Area;**
- 4. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South**

Dakota Department of Environment and Natural Resources and the City of Rapid City;

- 5. That it be recommended that individual water meters be supplied for each new mobile home, or at the time of replacement of existing mobile homes;**
- 6. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;**
- 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 the interior roads continue to be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and all roads continue to be maintained in a dust free manner;**
- 9. That all structures continue to be located a minimum of ten (10) feet from interior access roads, within the mobile home park, and there be a minimum of twenty (20) feet between living units;**
- 10. That the mobile home park continue to have a rear and side yard setback of not less than ten (10) feet;**
- 11. That the mobile home park continue to have a Management Office and such service buildings as necessary, located on the property;**
- 12. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;**
- 13. That the mobile home park has one (1) common address that shall continue to be posted on the management office and that each home in the park shall continue to be individually labeled with their own unit number. The unit numbers shall continue to be posted on the homes so that they are clearly visible from the main access road;**
- 14. That at such time the living units on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District;**
- 15. That the applicant provide the pumping and inspection information to the City for Lot 5, prior to the next review, so that the County can issue COBP15-0211;**
- 16. That prior to the next review of CU 01-01, the applicant provide the Planning Department with copies of all Operating Permits, for the subject property, as provided by the City of Rapid City;**

17. **That this Conditional Use Permit in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners, and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.**

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT REVIEW / CU 18-39: Michael Busetti; Rob Livingston – Agent. To review an existing single-family residence to be used as 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 5, Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 18-39 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 18-39, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. That the applicant 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;
7. That a minimum of two (2) 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;

8. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
9. That the lot address (12284 Gold Mountain Loop) continue to be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure 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 Mike Busetti, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations continue to 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 structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That this Conditional Use Permit be reviewed in one (2) 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 Marsh and seconded by Drewes to approve of the extension of Conditional Use Permit / CU 18-39 with the following fifteen (15) conditions:

- 1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 DENR;**

3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 18-39, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. That the applicant 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;
7. That a minimum of two (2) 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;
8. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
9. That the lot address (12284 Gold Mountain Loop) continue to be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure 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 Mike Busetti, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations continue to 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 structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
15. **That 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.**

All voting aye the Motion carried 6 to 0.

14. MINOR PLAT / MPL 19-32: Debra Legge; Fisk Land Surveying – Agent. To subdivide and create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 1 and 2 of Greyhound Gulch Subdivision.

Staff recommended approval of Minor Plat / MPL 19-32 with the following five (5) conditions:

1. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to state "... (formerly all of Lot A of Lot 1 of Tract B of HES 281 Addition and the Balance of Lot 1 of Tract B of HES 281)", per comments from the Register of Deeds;
2. That at the time of Minor Plat submittal, a minimum of eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That upon the Plat being recorded with the Register of Deeds, 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 Section 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
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, including the requirement to obtain an Operating Permit.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of Minor Plat / MPL 19-32 with the following five (5) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to state "... (formerly all of Lot A of Lot 1 of Tract B of HES 281 Addition and the Balance of Lot 1 of Tract B of HES 281)", per comments from the Register of Deeds;**
- 2. That at the time of Minor Plat submittal, a minimum of eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That upon the Plat being recorded with the Register of Deeds, 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 Section 700 of Pennington County Subdivision Regulations;**
- 4. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,**
- 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, including the requirement to obtain an Operating Permit.**

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAT / LPL 19-36: Par Properties / Paul Zweifel. To subdivide and create Lots 1, 2, and 3 of Par Properties Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Par Properties Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1, 2, and 3 of Par Properties Subdivision.

Staff recommended approval of Layout Plat / LPL 19-36 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to 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 the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the On-Site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
4. That prior to the Plat being recorded with the Register of Deeds, the proposed Lots 1-3 obtain a Lot Size Variance *or* be rezoned appropriately;
5. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained.
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. 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, including the requirement to obtain an Operating Permit; and,
8. 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 Lasseter to approve of Layout Plat / LPL 19-36 with the following eight (8) conditions:

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to 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 the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the On-Site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;**
- 4. That prior to the Plat being recorded with the Register of Deeds, the proposed Lots 1-3 obtain a Lot Size Variance *or* be rezoned appropriately;**

5. **That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained.**
6. **That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
7. **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, including the requirement to obtain an Operating Permit; 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.

16. LAYOUT PLAT / LPL 19-37: Battle Creek Fire District. To subdivide and create Lots A and B of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Well, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots A and B of Rushmore Ranch Estates.

Staff recommended approval of Layout Plan / LPL 19-37 with the following five (5) conditions:

1. That at the time of Minor Plat submittal, the lot names be corrected, per Register of Deeds' comments;
2. 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 Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. 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, including the requirement to obtain an Operating Permit; and,

5. 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 Johnson and seconded by Runde to approve of Layout Plan / LPL 19-37 with the following five (5) conditions:

1. That at the time of Minor Plat submittal, the lot names be corrected, per Register of Deeds' comments;
2. 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 Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. 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, including the requirement to obtain an Operating Permit; and,
5. 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.

17. REZONE / RZ 19-15 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-15: Harold Bies. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Limited Agriculture District in accordance with Sections 205, 206, 208, and 508 of the Pennington County Zoning Ordinance.

SW1/4NW1/4, Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment to rezone 40.00 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Limited Agriculture District.

Staff recommended approval of Rezone / RZ 19-15 and Comprehensive Plan Amendment / CA 19-15.

Discussion followed.

Moved by Drewes and seconded by Rivers to approve of Rezone / RZ 19-15 and Comprehensive Plan Amendment / CA 19-15.

All voting aye, the Motion carried 6 to 0.

18. MINOR PLAT / MPL 19-34: Jeffrey Scherr. To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 1442; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 and Lot D2 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Plat to combine lots in order to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244

Staff recommended approval of Minor Plat / MPL 19-34 with the following seven (7) conditions:

1. That prior to filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Variance to Subdivision Regulations be obtained waiving this requirement;
2. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to Subdivision Regulations be obtained waiving any of these requirements that are not met;
3. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Variance to Subdivision Regulations be obtained waiving this requirement;
4. That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That following the platting of proposed Lots D1 and D2, prior to any disturbance in the Special Flood Hazard Area will require an approved Floodplain Development Permit; and,

7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve of Minor Plat / MPL 19-34 with the following seven (7) conditions:

1. **That prior to filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Variance to Subdivision Regulations be obtained waiving this requirement;**
2. **That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to Subdivision Regulations be obtained waiving any of these requirements that are not met;**
3. **That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Variance to Subdivision Regulations be obtained waiving this requirement;**
4. **That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;**
5. **That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
6. **That following the platting of proposed Lots D1 and D2, prior to any disturbance in the Special Flood Hazard Area will require an approved Floodplain Development Permit; and,**
7. **That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.**

All voting aye, the Motion carried 6 to 0.

19. LAYOUT PLAT / LPL 19-35: Ken Willard; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That PT of W1/2SE1/4 and That PT of SE1/4SE1/4 Located E of Highway 385 Less Forest View Subdivision Less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Willard Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1 and 2 of Willard Ranch Subdivision.

Staff recommended approval of Layout Plan / LPL 19-35 with the following nine (9) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Willard Ranch Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time of Minor Plat submittal, 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;
3. That upon filing the Plat with the Register of Deeds, 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;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from both directions of travel on Merritt School Road, in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
8. That a Conditional Use Permit is obtained for operation of the cleaning business located on proposed Lot 1 prior to filing the Plat with the Register of Deeds; and,
9. 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 Johnson and seconded by Runde to approve of Layout Plan / LPL 19-35 with the following nine (9) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Willard Ranch Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time of Minor Plat submittal, 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;
3. That upon filing the Plat with the Register of Deeds, 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;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from both directions of travel on Merritt School Road, in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
8. That a Conditional Use Permit is obtained for operation of the cleaning business located on proposed Lot 1 prior to filing the Plat with the Register of Deeds; and,
9. 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.

20. REZONE / RZ 19-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-14: Ken Willard; Fisk Land Surveying – Agent. To rezone 8.82 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

A parcel of land located in the Northwest One-Quarter of the Southeast One-Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-Eight (28), Township Two North (T2N), Range Five East (R5E) of the Black Hills Meridian (BHM), Pennington County, South Dakota and

proposed as Lots 1 and 2 of Willard Ranch Subdivision and more particularly described as follows: Beginning at the northeast corner of said NW¹/₄SE¹/₄ of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, said point being marked by a USFS Aluminum Monument marked LS 3491; thence, South 33 degrees 40 minutes 46 seconds West a distance of 852.68 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 18 minutes 36 seconds West a distance of 310.54 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 37 degrees 15 minutes 34 seconds West a distance of 349.52 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 12 minutes 53 seconds West a distance of 173.48 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence curving to the left on a curve with a radius of 240.00 feet, a delta of 15 degrees 52 minutes 16 seconds, and arc length of 66.48 feet and a chord bearing and distance of North 50 degrees 09 minutes 01 seconds West 66.27 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 58 degrees 05 minutes 09 seconds West a distance of 59.73 feet more or less to a point on the east-west ¹/₄ section line and said point being marked by a rebar with survey cap “RW Fisk 6565”; thence, easterly along said ¹/₄ section line South 89 degrees 57 minutes 31 seconds East a distance of 1,111.64 feet more or less to the point of beginning. Said tract of land contains 8.82 acres more or less; Section 28, T2N, R5E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment to rezone 8.82 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

Staff recommended approval of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.

Discussion followed.

Moved by Runde and seconded by Drewes to approve of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.

All voting aye, the Motion carried 6 to 0.

21. CONDITIONAL USE PERMIT / CU 19-01: NMMC, Inc; Terry Sayler. To allow for 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 A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a Vacation Home Rental on the subject property in a Low Density Residential District.

Staff recommended to continue Conditional Use Permit / CU 19-01 to the November 12, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues, with the following two (2) conditions:

1. That prior to CU 19-01 being heard on November 12, 2019, the applicant shall:
 - a. Submit the requested pumping contract(s); and,
 - b. Pay the \$100 continuation fee in accordance with § 511(X); and,
2. That if the applicant is unable to provide the requested pumping contract(s) and pay the \$100 continuation fee prior to November 12, 2019, that CU 19-01 be denied.

Discussion followed.

Moved by Drewes and seconded by Runde to continue Conditional Use Permit / CU 19-01 to the November 12, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues, with the following two (2) conditions:

- 1. That prior to CU 19-01 being heard on November 12, 2019, the applicant shall:**
 - a. Submit the requested pumping contract(s); and,**
 - b. Pay the \$100 continuation fee in accordance with § 511(X); and,**
- 2. That if the applicant is unable to provide the requested pumping contract(s) and pay the \$100 continuation fee prior to November 12, 2019, that CU 19-01 be denied.**

All voting aye, the Motion carried 6 to 0.

22. CONDITIONAL USE PERMIT / CU 19-18: Perry and Vicki Van Newkirk. To allow an existing single-family residence to be used as 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 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the August 12, 2019, Planning Commission meeting.)

Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 19-18 with the following

fourteen (14) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) 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 structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
4. That the applicant 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;
5. That a minimum of four (4) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (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;
6. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-4131 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental, as well as floodplain map per Section 319(G)(1)(n);
7. That the lot address (12283 Deerfield Road) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from LeeAnn McDonald, 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;
10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);

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 19-18, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
14. 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 Johnson and seconded by Lasseter to approve of Conditional Use Permit / CU 19-18 with the following fourteen (14) conditions:

- 1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) 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 structure or upgrades/alterations to the on-site wastewater treatment system;**
- 3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 4. That the applicant 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;**
- 5. That a minimum of four (4) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (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;**
- 6. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-4131 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental, as well as floodplain map per Section 319(G)(1)(n);**
- 7. That the lot address (12283 Deerfield Road) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;**

8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from LeeAnn McDonald, 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;
10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
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 19-18, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
14. 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 6 to 0.

23. CONDITIONAL USE PERMIT / CU 19-26: Danny Kruse. To live in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Kruse Subdivision, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District.

Staff recommended approval of Conditional Use Permit / CU 19-26 with the following ten (10) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property;

2. That the RV shall not be used as temporary living quarters on the premises more than 180 days per calendar year;
3. That if the RV is used as living quarters on the premises for more than 180 days per calendar year, an approved Variance be obtained relieving the requirement of Pennington County Zoning Ordinance § 207(C)(15);
4. That an address be assigned to the pole barn and that it be clearly posted, in accordance with Pennington County's Ordinance #20, while the RV is being utilized as living quarters;
5. That in lieu of an approved On-Site Wastewater Treatment System, the RV being utilized as a temporary residence be connected to a portable waste tank and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;
6. That within one (1) year of Conditional Use Permit / CU 19-26 approval, the applicant shall install a wastewater treatment system and have it inspected and approved by the City of Rapid City;
7. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the subject property remains free of debris and junk vehicles;
9. 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; and,
10. That this Conditional Use Permit be reviewed in six (6) months, 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.

Commissioner Lasseter left the meeting at 9:52 a.m.

Commissioner Lasseter returned to the meeting at 9:53 a.m.

Moved by Runde and seconded by Johnson to approve of Conditional Use Permit / CU 19-26 with the following ten (10) conditions:

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property;**
- 2. That the RV shall not be used as temporary living quarters on the premises more than 180 days per calendar year;**

3. That if the RV is used as living quarters on the premises for more than 180 days per calendar year, an approved Variance be obtained relieving the requirement of Pennington County Zoning Ordinance § 207(C)(15);
4. That an address be assigned to the pole barn and that it be clearly posted, in accordance with Pennington County's Ordinance #20, while the RV is being utilized as living quarters;
5. That in lieu of an approved On-Site Wastewater Treatment System, the RV being utilized as a temporary residence be connected to a portable waste tank and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;
6. That within one (1) year of Conditional Use Permit / CU 19-26 approval, the applicant shall install a wastewater treatment system and have it inspected and approved by the City of Rapid City;
7. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the subject property remains free of debris and junk vehicles;
9. 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; and,
10. That this Conditional Use Permit be reviewed in six (6) months, 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.

24. CONDITIONAL USE PERMIT / CU 19-27: Marilyn and Greg Bolt. To allow an existing single-family residence to be used as a Bed and Breakfast in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Bed and Breakfast.

Staff recommended approval of Conditional Use Permit / CU 19-27 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy for the single-family residence and guest house be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13) and South Dakota Department of Environmental and Natural Resources approval;
2. 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;
3. That the minimum required setbacks of a Low Density Residential District be continually maintained on the subject property or approved Setback Variance(s) be obtained;
4. That the addresses for each residence (13351 and 13349 Silver Mountain Road) be posted on the Bed and Breakfast and the guest house at all times, in accordance with Pennington County's Ordinance #20;
5. That an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310(r), which requires one (1) parking space per two rooms or suite plus two (2) parking spaces per every three (3) employees;
7. 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;
8. That prior to the use of the single-family residence as a Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, 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;
9. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be made available to the Planning Department upon request;
10. That the property remains free of debris and junk vehicles and all structures be well-maintained;
11. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;

12. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
13. That the applicant comply with SDCL 34-18-9, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,
14. 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 Lasseter and seconded by Johnson to approve of Conditional Use Permit / CU 19-27 with the following fourteen (14) conditions:

- 1. That the maximum overnight occupancy for the single-family residence and guest house 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) and South Dakota Department of Environmental and Natural Resources approval;**
- 2. 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;**
- 3. That the minimum required setbacks of a Low Density Residential District be continually maintained on the subject property or approved Setback Variance(s) be obtained;**
- 4. That the addresses for each residence (13351 and 13349 Silver Mountain Road) be posted on the Bed and Breakfast and the guest house at all times, in accordance with Pennington County's Ordinance #20;**
- 5. That an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;**
- 6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310(r), which requires one (1) parking space per two rooms or suite plus two (2) parking spaces per every three (3) employees;**
- 7. 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;**
- 8. That prior to the use of the single-family residence as a Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, 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;

- 9. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be made available to the Planning Department upon request;**
- 10. That the property remains free of debris and junk vehicles and all structures be well-maintained;**
- 11. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;**
- 12. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;**
- 13. That the applicant comply with SDCL 34-18-9, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,**
- 14. 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.

Moved by Rivers and seconded by Drewes to recess at 10:01 a.m. All voting aye, the Motion carried 6 to 0. Moved by Rivers and seconded by Lasseter to reconvene at 10:11 a.m. All voting aye, the Motion carried 6 to 0.

25. CONDITIONAL USE PERMIT / CU 19-28: R & J, LLC; Juston Eisenbraun – Agent. To allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

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

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District.

Staff recommended to continue Conditional Use Permit / CU 19-28 to the November 12, 2019, Planning Commission meeting. However, if the Planning Commission wishes to recommend approval of Conditional Use Permit / CU 19-28, Staff recommends the following twenty-three (23) conditions:

1. That the Campground consist of recreational vehicle sites, cabins, two (2) bath houses, playground, pool, office/store with laundry, pavilion, maintenance building, and a well house;
2. That no more than 85 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-feet-wide;
3. That no more than fifteen (15) cabins be allowed;
4. That no tent sites be allowed;
5. That each site recreational vehicle site must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
6. That each RV site be equipped with water, sewer and electric hook-ups;
7. That each RV site or cabin must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
8. That a minimum 30-foot separation be provided between each RV site;
9. That all the interior streets shall be a minimum of 16 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
10. That a vegetative barrier is planted and maintained along the northern and western boundary of the property;
11. That the onsite wastewater treatment system consists of an alternative treatment (ATU) system, or similar, approved by the South Dakota Department of Environment and Natural Resources;
12. That the applicant maintains some type of barrier (i.e. fence, boulders) around the onsite wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
13. That any alterations or additions to the wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Onsite Wastewater Specialist and may require an Onsite Wastewater Construction Permit;
14. That the Campground conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That the required setbacks for all structures be a minimum of 25 feet from the front yard property lines, 63 feet from the west side yard property line due to the

Section Line Right-of-Way, 30 feet from the rear yard property line and 10 feet from the east side yard property line;

16. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Conditional Use Permit;
17. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
18. That Quiet hours shall be from 10 p.m. until 7 a.m.;
19. That prior to the placement of any sign, the applicant obtains approval of a Sign Permit;
20. That a Construction Permit is obtained prior to any dirtwork/disturbance on the subject property;
21. That the applicant works with the South Dakota Department of Transportation on mitigation of the approach off of S. Highway 16;
22. That the applicant obtains all necessary permits from other governing bodies for operation of the Campground 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; and,
23. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lasseter and seconded by Runde to continue Conditional Use Permit / CU 19-28 indefinitely until such time the applicant works with staff to obtain approval of the water and the onsite wastewater treatment systems from the South Dakota Department of Environment and Natural Resources for the subject property.

All voting aye, the Motion carried 6 to 0.

Commissioner Rivers left the meeting at 12:17 p.m.
Commissioner Rivers returned to the meeting at 12:19 p.m.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning

Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

26. CONSTRUCTION PERMIT REVIEW / CP 17-13: Western Construction, Inc. To review a portable asphalt batch plant on the subject property, and to level and grade approximately 26 acres with berms and dust control ponds implemented on site.

S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated Row, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff originally recommended the Planning Director approve to end Construction Permit / CP 19-08, but are now recommending the Planning Director approve to continue Construction Permit / CP 19-08 to the December 2, 2019, Planning Commission meeting in order for the applicant to address work performed in the floodplain on the subject property.

27. CONSTRUCTION PERMIT REVIEW / CP 19-02: Site Work Specialists, Inc. To review the construction of a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts, and to add a common utility trench for power and communications.

NE1/4NE1/4, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the September 23, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
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 by the contractor 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 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 Director to determine if all Conditions of Approval are being met;
 8. 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;
 9. 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;
 10. That any portion of disturbed area that remain dormant for more than fourteen (14) days be stabilized and re-vegetated;
 11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO; and,
 12. That this Construction Permit be reviewed at the May 26, 2020, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.
28. CONSTRUCTION PERMIT REVIEW / CP 19-06: Pat and Emily Rowe. To review excavation of a pond and to use the dirt to level an area for a future barn.

PT Ray Smith Placer MS 995 S of HWY, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

Commissioner Runde left the meeting at 12:24 p.m.
Commissioner Runde returned to the meeting at 12:25 p.m.

Sack stated Staff recommended the Planning Director end Construction Permit / CP 19-06.

29. CONSTRUCTION PERMIT REVIEW / CP 19-07: Fatter Boys, LLC / Bob Fuchs. To review adding fill and grading a low spot on the subject property.

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

Sack stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 19-07 with the following twelve (12) 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 applicant obtains an approved Floodplain Development Permit prior to CP 19-07 being approved by the Planning Director;

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 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;
 5. That all natural drainage ways and paths be continually maintained;
 6. That the Spring Creek drainage is not negatively impacted;
 7. 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;
 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 this Construction Permit be reviewed in May 2020, or as directed by the Planning Director.
30. CONSTRUCTION PERMIT / CP 19-15: Pat Hall. To repair and extend an existing road, to construct a new road, and to regrade and level portions of the subject property in accordance with Sections 209, 212, and 507 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4NE1/4; E1/2 of Lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4; NE1/4NE1/4; Lot 1 of SW1/4NE1/4; SE1/4NE1/4; Lot 1 of NW1/4SE1/4; NE1/4SE1/4; Lot 1 of SW1/4SE1/4; SE1/4SE1/4; and W1/2; all located in Sections 32 and 33, T1N, R8E, BHM, Pennington County, South Dakota.

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

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That prior to approval, the applicant submits a Notice of Intent for the SDDENR General Stormwater Permit;
3. That prior to approval, the applicant obtains a Road Construction in a Section Line Right-of-way Permit or vacate the Section Line between Sections 32 and 33, where the proposed road crosses;
4. That prior to approval, the applicant submits information in writing to the Planning Director from the Army Corps of Engineers on whether a permit to cross “Dry Creek” is required;
5. That prior to the installation of any culvert, that the culvert size is reviewed by the County Drainage Engineer;
6. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
7. 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 by the contractor to the Planning Director every month during construction;
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 Director to determine if all Conditions of Approval are being met;
9. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
10. That all natural drainage ways and paths be continually maintained;
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 signs a Statement of Understanding within ten (10) business days of approval; and,
 15. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.
31. CONSTRUCTION PERMIT / CP 19-16: Cody Taggert; Recreational Adventures – Owner. To grade, excavate, and demo areas within the Palmer Gulch KOA campground in accordance with Sections 210 and 507 of the Pennington County Zoning Ordinance.

Tract 1 of Tract B, Home Sweet Home Placer MS 804, Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 19-16 with twelve (12) conditions.

1. That erosion control measures are implemented *immediately* upon disturbance and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That prior to approval, the applicant submits a Notice of Intent for the SDDENR General Stormwater Permit;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
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 by the contractor 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 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 Director to determine if all Conditions of Approval are being met;
8. 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;

9. 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;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
11. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
12. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.

END OF CONSTRUCTION PERMIT AGENDA

32. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the October 14th Planning Commission meeting at their Tuesday, November 5th meeting.

33. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

34. ITEMS FROM THE STAFF

- A. Assistant Planning Director. Conover stated that Cassie Bolstad has accepted another position and is no longer with the Planning Department
- B. Planning Department. Conover further noted the department will be hiring for a Planner II position.

35. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh stated that he may have jury duty in December.

36. ADJOURNMENT

Moved by Lasseter and seconded by Johnson to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 12:34 p.m.

Rich Marsh, Chairperson