

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 24, 2022 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen McGregor, Charlie Johnson, Jim Coleman, Mikal Lewis, and Travis Lasseter.

STAFF PRESENT: Jason Theunissen, Chutima Supboon, Jeri Ervin, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE JANUARY 10, 2022, MINUTES
Moved by Johnson and seconded by Lewis to approve the Minutes of the January 10, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by Johnson to approve the Agenda of the January 24, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Lewis and seconded by Lasseter to approve the Consent Agenda of the January 24, 2022, Planning Commission meeting, with the removal of Item #4. Vote: unanimous 5 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 21-55:** David and Helene Weldon. To review living in the existing pole barn with living quarters, while building a residence on the subject property, in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Less Right-of-Way, Star Lode Mining Claim MS 2148, Section 13, T2S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-55 with the following eight (8) conditions:

1. **That within 6 months, an approved Building Permit be obtained for the proposed single-family residence prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;**

2. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
3. That the address, 13550 Highway 40 continue to be clearly posted on the existing pole barn and at the end of the driveway clearly visible from both directions of travel along Highway 40, in accordance with Pennington County Ordinance #20;
4. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
5. That the applicant applies for a Conditional Use Permit for the pole barn to be used as a guest house or accessory dwelling unit within 90 days of the proposed single-family residence being habitable or the living quarters be removed;
6. 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;
7. That the property remain free of junk and debris; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

4. MINOR PLAT / MPL 21-92: Laura Henney and Erik Karlson; KTM Design Solutions-Agent. To combine two lots to create Lot 13R in Block A of Edelweiss Mountain Development in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 13 and 14, Block A, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 13R, Block A, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Commissioner Johnson asked to have this Item removed for discussion.

Staff recommended approval of Minor Plat / MPL 21-92 with six (6) conditions.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve of Minor Plat / MPL 21-92 with the following six (6) conditions:

- 1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;**
- 2. That prior to filing the mylar with the Register of Deeds the plat meets the requirements of §§ 400.3 and 500.5 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 prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;**
- 4. That the applicant ensures all-natural drainage ways are maintained and not blocked;**
- 5. That following platting of the proposed lot, 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; and,**
- 6. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 5 to 0.

5. CONDITIONAL USE PERMIT / CU 21-71: Greg Helgeson. To live in a 12' x 56' trailer, while building living quarters in the existing shop building in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4NE1/4 (aka W1/2 GL 1), Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a 12' x 56' trailer, while building living quarters in the existing shop building.

Staff recommended approval of Conditional Use Permit / CU 21-71 with the following eight (8) conditions:

1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);
4. That a Building Permit application for the proposed living quarters in the shop be applied for within six months of approval of Conditional Use Permit / CU 21-67;
5. That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That the Wisco house trailer be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
7. That the subject property remains free of debris and junk vehicles; and,
8. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Conditional Use Permit / CU 21-71 with the following eight (8) conditions:

- 1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property not contain more than 1 residential structure (i.e. single-family residence or living quarters);**
- 4. That a Building Permit application for the proposed living quarters in the shop be applied for within six months of approval of Conditional Use Permit / CU 21-67;**

5. **That the minimum setback requirements of an Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
6. **That the Wisco house trailer be removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;**
7. **That the subject property remains free of debris and junk vehicles; and,**
8. **That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

6. VACATION OF RIGHT-OF-WAY / VR 21-01: Elbert and Marian Johnson. To vacate 170 feet of public right-of-way adjoining Lot H of Lot 1 and Lot 1 of Lot 1 of Boland Placer Subdivision in accordance with the Pennington County Zoning Ordinance.

Lot H of Lot 1 and Lot 1 of Lot 1 of Boland Placer Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants have applied to vacate 170 feet of public right-of-way adjoining Lot H of Lot 1 and Lot 1 of Lot 1 of Boland Placer Subdivision.

Staff recommended approval of Vacation of Right-of-Way / VR 21-01 with the following one (1) condition:

1. That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds.

Discussion followed.

Moved by Coleman and seconded by Lewis to approve of Vacation of Right-of-Way / VR 21-01 with the following one (1) condition:

1. **That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds.**

All voting aye, the Motion carried 5 to 0.

7. PLANNED UNIT DEVELOPMENT OVERLAY / PU 21-21: American Buffalo Resort, LLC; Peter Sorensen - Agent. To allow a Planned Unit Development Overlay to allow a Recreational Resort in accordance with Section 216 of the Pennington County Zoning Ordinance.

NW1/4SE1/4 Less Wooded Acres Subdivision and ROW, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Recreational Resort.

Staff recommended approval of Planned Unit Development Overlay / PU 21-21 with the following twenty-four (24) conditions:

1. That the approved uses of the Recreational Resort include: cabin rentals (vacation home rentals), bath houses, laundry facilities, caretaker residence, staff offices, maintenance shop, concession stands, stage/amphitheater, recreational vehicle sites, tent sites, mini golf course, hot tub, and swimming pool;
2. 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;
3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
6. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That prior to operation, addresses be assigned to the caretaker residence and maintenance shop and that both be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That prior to operation, the applicant obtains County Fire approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
9. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
10. That a minimum of 145 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
11. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;

13. That any Vacation Home Rental within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for a Vacation Home Rental, with a minimum of at least 1 smoke detector per floor;
15. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
16. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Vacation Home Rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any Vacation Home Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
20. That any Vacation Home Rentals must comply with PCZO §319;
21. That any Recreation Vehicle Park / Site must comply with PCZO §306;
22. That setbacks for all structures shall comply with those required in a Highway Service District;
23. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
24. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Moved by Lewis and seconded by Lasseter to approve of Planned Unit Development Overlay / PU 21-21 with the following twenty-four (24) conditions:

- 1. That the approved uses of the Recreational Resort include: cabin rentals (vacation home rentals), bath houses, laundry facilities, caretaker residence, staff offices, maintenance shop, concession stands, stage/amphitheater, recreational vehicle sites, tent sites, mini golf course, hot tub, and swimming pool;**
- 2. 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;**
- 3. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;**
- 4. That all natural drainage paths be continually maintained;**
- 5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;**
- 6. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;**
- 7. That prior to operation, addresses be assigned to the caretaker residence and maintenance shop and that both be properly and continually posted in accordance with Pennington County's Ordinance #20;**
- 8. That prior to operation, the applicant obtains County Fire approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;**
- 9. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;**
- 10. That a minimum of 145 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;**
- 11. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;**
- 12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;**
- 13. That any Vacation Home Rental within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;**

14. That a smoke detector be placed in each sleeping room utilized for a Vacation Home Rental, with a minimum of at least 1 smoke detector per floor;
15. That the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
16. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Vacation Home Rental so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any Vacation Home Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
20. That any Vacation Home Rentals must comply with PCZO §319;
21. That any Recreation Vehicle Park / Site must comply with PCZO §306;
22. That setbacks for all structures shall comply with those required in a Highway Service District;
23. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
24. That this Planned Unit Development Overlay be reviewed in 1 year, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

8. CONDITIONAL USE PERMIT AMENDMENT / CU 15-09: Reno Gulch Storage, LLC; Dann and Monica Detwiler. To amend an existing Conditional Use Permit to add four storage units to the subject property in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot B of Lot 4 (also in Section 36-T1S-R4E), Iowa Placer MS 636, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

(Continued from the January 10, 2022, Planning Commission meeting.)

Theunissen stated this Item was continued from the January 10, 2022, Planning Commission meeting.

Staff recommended approval of Conditional Use Permit Amendment / CU 15-09 with the following nine (9) conditions:

1. That upon issuance of an approved Building Permit, 1 new storage unit be allowed on the property, measuring 30' x 136';
2. That eight (8) existing permitted storage units be allowed on the property;
3. That the addition of accessory structures shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;
4. That a caretaker's dwelling unit be allowed;
5. That three billboard signs and one business sign currently located on the property be allowed;
6. That the parking area for each storage unit be 30' x 105' surfaced with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
7. That the entrance road be a minimum of 20 feet in width with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
8. That the storage units be used exclusively for storage and not retail business activities; and,
9. That this Conditional Use Permit be reviewed on a complaint basis only.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve with amended language to Condition #3.

Discussion further followed on the proposed amended language for Condition #3.

Moved by Johnson and seconded by Lasseter to approve of Conditional Use Permit Amendment / CU 15-09, with amended language for Condition #3, with the following nine (9) conditions:

- 1. That upon issuance of an approved Building Permit, 1 new storage unit be allowed on the property, measuring 30' x 136';**
- 2. That eight (8) existing permitted storage units be allowed on the property;**
- 3. That the addition of accessory structures shall be allowed through the issuance of Building Permits, which include necessary site plans submitted as part of the application;**
- 4. That a caretaker's dwelling unit be allowed;**
- 5. That three billboard signs and one business sign currently located on the property be allowed;**
- 6. That the parking area for each storage unit be 30' x 105' surfaced with four inches of gravel and maintained in such a manner that no dust will result from continuous use;**
- 7. That the entrance road be a minimum of 20 feet in width with four inches of gravel and maintained in such a manner that no dust will result from continuous use;**
- 8. That the storage units be used exclusively for storage and not retail business activities; and,**
- 9 That this Conditional Use Permit be reviewed on a complaint basis only.**

All voting aye, the Motion carried 5 to 0.

9. CONDITIONAL USE PERMIT / CU 21-73: M & M Medical Solutions; Timothy McMahon. To allow a Marijuana (Cannabis) Cultivation Facility on the subject property in a Heavy Industrial District in accordance with Sections 214, 325, 326, and 510 of the Pennington County Zoning Ordinance.

NE1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Marijuana (Cannabis) Cultivation Facility on the subject property.

Staff recommended approval of Conditional Use Permit / CU 21-73 with the following twenty-five (25) conditions:

1. That the cultivation facility obtains approval of the Development Plan per PCZO § 327 prior to submittal of the Pennington County License Application;
2. That the cultivation facility obtains a Marijuana Business License from Pennington County prior to operation;
3. That the cultivation facility obtains a Marijuana License from the South Dakota Department of Health or the approving state authority prior to operation;
4. That the cultivation facility be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the premises, that is distinctive to its operation, is not detected outside;
5. That the cultivation facility be equipped with a security system that meets or exceeds the standard provided by the State of South Dakota;
6. That any signage providing evidence of the cultivation facility is prohibited;
7. That the cultivation facility and all equipment used in the operation of the business must be operated in compliance with all applicable State and local laws and regulations, including all building, electrical, and fire codes, and in compliance with the businesses' State and County Licenses;
8. That all cultivation of marijuana shall occur in an enclosed locked structure. Outdoor cultivation is prohibited;
9. That all areas where marijuana is cultivated, the electrical system must comply with Article 300.6(D) of the National Electric Code, International Building Codes, Fire Code, and all other applicable laws;
10. That the cultivation facility be equipped with a fire sprinkler system in compliance with the most recent fire code;
11. That an Approach Permit is obtained from the South Dakota Department of Transportation for the exiting approach off of Highway 79 that services the Access Easement to the property;
12. That a Water Right Permit is obtained from the Water Rights Program of the Department of Agriculture and Natural Resources prior to operation;
13. That any access road built within or along a Section Line Right of Way must be built to Ordinance 14 Road Standards;
14. That the access road be constructed as a 32' wide road with a paved surface (asphalt or concrete surface) and be approved by the County Highway Superintendent prior to operation;
15. That improvement to the approach off of Highway 79 may be required prior to operation;

16. That the applicant signs the Noxious Weed and Prairie Dog Management Plan prior to submittal of the Development Plan and work with the Natural Resource Director to continually mitigate the noxious weeds and prairie dogs;
17. 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. The Planning Director may determine that a structure or alterations to an existing structure may require application, submittal and review as set forth in PCZO § 327;
18. That the physical address of the structure(s) be posted in accordance with Ordinance #20;
19. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310-A-9-t and 310-B;
20. That one off-street loading and unloading space be provided for every 20,000 square feet of floor area up to 100,000 square feet and one for every 40,000 square feet of floor area over 100,000 square feet;
21. That an approved On-Site Wastewater Construction Permit be obtained from the City of Rapid City 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 Agriculture and Natural Resources (SD DANR);
22. That a Storm Water Permit be obtained prior to any land disturbance;
23. That any natural drainage ways and paths be continually maintained;
24. That the Planning Director may allow additional development or construction, which is consistent with the permitted uses in a Heavy Industrial District. 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; and,
25. 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 Coleman and seconded by Lasseter to approve of Conditional Use Permit / CU 21-73 with the following twenty-five (25) conditions:

- 1. That the cultivation facility obtains approval of the Development Plan per PCZO § 327 prior to submittal of the Pennington County License Application;**

- 2. That the cultivation facility obtains a Marijuana Business License from Pennington County prior to operation;**
- 3. That the cultivation facility obtains a Marijuana License from the South Dakota Department of Health or the approving state authority prior to operation;**
- 4. That the cultivation facility be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the premises, that is distinctive to its operation, is not detected outside;**
- 5. That the cultivation facility be equipped with a security system that meets or exceeds the standard provided by the State of South Dakota;**
- 6. That any signage providing evidence of the cultivation facility is prohibited;**
- 7. That the cultivation facility and all equipment used in the operation of the business must be operated in compliance with all applicable State and local laws and regulations, including all building, electrical, and fire codes, and in compliance with the businesses' State and County Licenses;**
- 8. That all cultivation of marijuana shall occur in an enclosed locked structure. Outdoor cultivation is prohibited;**
- 9. That all areas where marijuana is cultivated, the electrical system must comply with Article 300.6(D) of the National Electric Code, International Building Codes, Fire Code, and all other applicable laws;**
- 10. That the cultivation facility be equipped with a fire sprinkler system in compliance with the most recent fire code;**
- 11. That an Approach Permit is obtained from the South Dakota Department of Transportation for the exiting approach off of Highway 79 that services the Access Easement to the property;**
- 12. That a Water Right Permit is obtained from the Water Rights Program of the Department of Agriculture and Natural Resources prior to operation;**
- 13. That any access road built within or along a Section Line Right of Way must be built to Ordinance 14 Road Standards;**
- 14. That the access road be constructed as a 32' wide road with a paved surface (asphalt or concrete surface) and be approved by the County Highway Superintendent prior to operation;**
- 15. That improvement to the approach off of Highway 79 may be required prior to operation;**

16. That the applicant signs the Noxious Weed and Prairie Dog Management Plan prior to submittal of the Development Plan and work with the Natural Resource Director to continually mitigate the noxious weeds and prairie dogs;
17. 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. The Planning Director may determine that a structure or alterations to an existing structure may require application, submittal and review as set forth in PCZO § 327;
18. That the physical address of the structure(s) be posted in accordance with Ordinance #20;
19. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310-A-9-t and 310-B;
20. That one off-street loading and unloading space be provided for every 20,000 square feet of floor area up to 100,000 square feet and one for every 40,000 square feet of floor area over 100,000 square feet;
21. That an approved On-Site Wastewater Construction Permit be obtained from the City of Rapid City 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 Agriculture and Natural Resources (SD DANR);
22. That a Storm Water Permit be obtained prior to any land disturbance;
23. That any natural drainage ways and paths be continually maintained;
24. That the Planning Director may allow additional development or construction, which is consistent with the permitted uses in a Heavy Industrial District. 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; and,
25. 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 5 to 0.

10. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from their January 10, 2022, meeting on Tuesday, February 1st.

11. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

12. ITEMS FROM THE STAFF

A. Special Planning Commission meeting – February 9th. There will be a Special Planning Commission meeting on Wednesday, February 9, 2022, at 5 p.m. to hear the Hard Rock Mining Ordinance.

13. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of the Ordinance Amendment for the Subdivision Regulations.

14. ADJOURNMENT

Moved by Lasseter and seconded by Lewis to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 9:40 a.m.

Karen McGregor, Chairperson