

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

August 22, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Madisen Ransom, Cody Sack, Jason Theunissen, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE AUGUST 8, 2022, MINUTES
Moved by Lewis and seconded by Coleman to approve the Minutes of the August 8, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

3. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by McGregor to approve the Agenda of the August 22, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Lewis and seconded by McGregor to approve the Consent Agenda of the August 22, 2022, Planning Commission meeting, with the removal of Items #5, #8, and #13. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 85-25:** Pamela Resterer. To review an existing caretaker's residence in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance

Lot 6, Hidden Springs Ranchettes, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 85-25 with the following eight (8) conditions:

1. **That 2 single-wide mobile homes be allowed on the property, one as a caretaker's residence and the other as a permanent single-family residence;**
2. **That the caretaker's residence be removed from the property when care is no longer needed for Kailynn Ingels, or the property be subdivided to create a separate lot for the caretaker's single-wide mobile home to stay on the subject property;**

3. That upon each review, the applicant continues to work with Staff to verify care is still required for Kailynn Ingels;
4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That the assigned addresses (22937 and 22939 Hidden Springs Rd) continue to be clearly posted on the residences, in accordance with Pennington County Ordinance #20;
6. That the subject property continue to remain free of debris and junk vehicles;
7. That any necessary upgrades to the On-Site Wastewater Treatment System be done through the City of Rapid City; and,
8. That this Conditional Use Permit be reviewed in 3 years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-24:** Rushmore Candy Company, LLC. To review a bell tower sign to be 50 feet tall with the total height of the letters to be 35 feet tall in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Rushmore Candy Acres; Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 15-24 as it is no longer needed.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-48:** Robert and Yolanda Pace. To review a pole barn as a primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2W1/2W1/2E1/2NE1/4 Less ROW; E1/2E1/2 W1/2NE1/4 Less ROW; E1/2W1/2 E1/2W1/2NE1/4 Less ROW; E1/2W1/2W1/2E1/2W1/2NE1/4 Less ROW; E1/2W1/2 W1/2W1/2E1/2W1/2NE1/4 Less ROW Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-48 with the applicant's concurrence.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 21-05:** David Spear. To review a garage as a primary structure on the subject property in a Rural Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Grindstone Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-05 with the following three (3) conditions:

1. **That an address continue to be posted on the garage and visible from both directions of Old Hill City Road in accordance with Pennington County's Ordinance #20;**
2. **That the accessory structure continue to be used only for personal use and no commercial-type uses be permitted;**
3. **That this Conditional Use Permit be reviewed 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; and,**
4. **That the property continue to remain free of junk and debris.**

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 21-11:** Travis Crisman; Theodore Crisman - Owner. To review a 12' x 60' single-wide mobile home in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Also in Section 32 (T1S, R4E), HES 306, Section 5, T2S, R4E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-11 with the following ten (10) conditions:

1. **That an approved Building Permit be obtained for the proposed single-wide mobile home 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 separate addresses are assigned for the main residence and the ranch-hand residence and that they be posted both at the approach on Reno Gulch Road and on the individual structures, in accordance with the Pennington County Ordinance #20;**

4. That the proposed single-wide mobile home be occupied by a ranch-hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operation of the farm or ranch located on the property;
5. That the minimum setback requirements for Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
6. That the proposed single-wide mobile home has a peaked non-reflective type roof, wood or simulated wood-type siding and skirting that is continually maintained, in accordance with Section 304 of the Pennington County Zoning Ordinance;
7. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the applicant adheres to § 510 of the Pennington County Zoning Ordinance;
9. That this Conditional Use Permit shall expire on March 22, 2023, if the applicants have not applied for a Building Permit for the single-wide mobile home to satisfy § 510 G of the Zoning Ordinance; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 21-17:** William and Kristine Barber. To review a shop building as a primary structure in a Ranchette Residential District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract D Revised, Lockhart Tract, Section 13, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-17 with the following eight (8) conditions:

1. That once construction is complete an address be posted on the shop and visible from both directions of Dark Canyon Road in accordance with Pennington County's Ordinance #20;
2. That the accessory structure be used only for personal use and no commercial-type uses be permitted;

3. That the minimum setback requirements for an Agriculture District continue to be maintained on the property or the appropriate Variance(s) be obtained;
4. That the minimum 58-foot Section Line setbacks be maintained on the property or the appropriate Variance(s) be obtained;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
6. 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;
7. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
8. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 21-19:** Boyd and Sabrina Knudsen. To review living in a Recreational Vehicle, temporarily, while building a cabin on the subject property in a Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 1, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-19 with the following twelve (12) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property;
2. That an address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
3. That an approved Building Permit be obtained for the cabin prior to construction;
4. 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;

5. That the RV no longer be used as a residence once the cabin is finished and habitable, following which it only be allowed to be parked on the property;
6. That the cabin and/or the RV not be utilized as a nightly or weekly vacation rental and only be used by the applicants for their personal use;
7. That the applicants adhere to the U.S. Forest Service's requirements at all times;
8. That the minimum setback requirements of an Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
10. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
11. That this Conditional Use Permit shall expire on April 26, 2023, if the applicant has not applied for a Building Permit for the cabin to satisfy § 510 G of the Zoning Ordinance; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 21-20:** Boyd and Sabrina Knudsen. To review a bath house as a primary structure in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 1, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-20 with the following eight (8) conditions:

1. That an approved Building Permit be obtained for the proposed bath house 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 bath house be used for personal use only, as a bath house, no commercial-type use and/or living space is allowed;
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 applicants adhere to the U.S. Forest Service's requirements at all times;
6. That the applicant adheres to Pennington County Zoning Ordinance Section 510;
7. 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; 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 7 to 0.

END OF CONSENT AGENDA

5. CONDITIONAL USE PERMIT REVIEW / CU 18-07: Three Forks Development Company, LLC. To review four (4) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 212, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 3, The Forks at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

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

Staff recommend approval of the extension of Conditional Use Permit / CU 18-07 with the following five (5) conditions

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;

2. That the applicant obtains a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated, and,
5. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Johnson and seconded by Kuehn to approve of the extension of Conditional Use Permit / CU 18-07 with the following five (5) conditions

- 1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;**
- 2. That the applicant obtains a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;**
- 4. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated, and,**
- 5. That this Conditional Use Permit be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 7 to 0.

8. CONDITIONAL USE PERMIT REVIEW / CU 21-10: Hadly Eisenbeisz and Kristin Brost. To review a shed as primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Also in Section 25, High #4 Lode MS 1948, Section 36, T2N, R4E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 21-10 with the following seven (7) conditions:

1. That an address be assigned for the proposed shed and properly posted in accordance with Pennington County Ordinance #20;
2. That the proposed shed be used for personal use only, no commercial-type use is allowed;
3. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
4. That the minimum 58-foot Section Line setbacks be maintained on the property or the appropriate Variance(s) be obtained;
5. 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;
6. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
7. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by McGregor and seconded by Burton to approve of the extension of Conditional Use Permit / CU 21-10 with the following seven (7) conditions:

- 1. That an address be assigned for the proposed shed and properly posted in accordance with Pennington County Ordinance #20;**
- 2. That the proposed shed be used for personal use only, no commercial-type use is allowed;**
- 3. That the minimum setback requirements for an Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;**

4. That the minimum 58-foot Section Line setbacks be maintained on the property or the appropriate Variance(s) be obtained;
5. 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;
6. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
7. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

13. MINOR PLAT / MPL 22-40: Debra Pimentel. To subdivide and create Lots 13C and 13D of Battle Creek Mountain Estates Subdivision in accordance with Section 303 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 13A Less Lot H1, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 13C and 13D, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommend approval of Minor Plat / MPL 22-40 with the following five (5) conditions:

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 303 of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the plat meets the requirements of Section 303 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 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;
5. That prior to recording the Plat at Register of Deeds, the applicants obtain an Operating License for the septic system;
6. That the applicants ensures all-natural drainage ways are maintained and not blocked.

Discussion followed.

Moved by Burton and seconded by Kuehn to approve of Minor Plat / MPL 22-40 with the following five (5) conditions:

- 1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;**
- 2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 303 of the Pennington County Subdivision Regulations;**
- 3. That at the time of Minor Plat submittal, the plat meets the requirements of Section 303 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 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;**
- 5. That prior to recording the Plat at Register of Deeds, the applicants obtain an Operating License for the septic system; and,**
- 6. That the applicants ensures all-natural drainage ways are maintained and not blocked.**

All voting aye, the Motion carried 7 to 0.

14. CONDITIONAL USE PERMIT REVIEW / CU 21-73: M & M Medical Solutions; Timothy McMahan. To review 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.

Molitor stated this is a review of the applicants Conditional Use Permit to allow a Marijuana (Cannabis) Cultivation Facility.

Staff recommended of the extension 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, if required by South Dakota Department of Transportation, improvements be made to the approach off of Highway 79, 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 § 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 over 10,000 square feet;
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 McGregor and seconded by Kuehn to approve the extension of Conditional Use Permit / CU 21-73.

Discussion continued.

Commissioner Burton stated he would abstain from voting.

Moved by McGregor and seconded by Kuehn to approve the extension of Conditional Use Permit / CU 21-73, with amended language in Condition #14, 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 to the site plan submitted for the August 22, 2022, Planning Commission meeting and be approved by the County Highway Superintendent prior to operation;
15. That, if required by South Dakota Department of Transportation, improvements be made to the approach off of Highway 79, 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 § 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 over 10,000 square feet;
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, the Motion carried 6 to 0. Commissioner Burton abstained.

Moved by Burton and seconded by Lewis to wave rules to discuss directly related and similar Agenda Items 15, 16, 17, 18, and 19 at the same time. All voting aye, the Motion carried 7 to 0.

15. ROAD NAMING: H & H Land Company No. 2, LLC / Brian Hammerbeck. To name a 66-foot wide private access easement and in portions of a 66-foot wide Section Line Right-of-Way providing access to properties located in Sections 13, 24, and 25, in T1S, R9E and Sections 19 and 30, in T1S, R10E, all of BHM, Pennington County, South Dakota, to Dancing Wolf Road.

Sack reviewed the Staff Report indicating the applicant has applied to name a road to Dancing Wolf Road.

Staff recommended approval of the Road Name of Dancing Wolf Road.

Moved by McGregor and seconded by Burton to approve the Road Name of Dancing Wolf Road.

All voting aye, the Motion carried 7 to 0.

16. ROAD NAMING: H & H Land Company No. 2, LLC / Brian Hammerbeck. To name a 66-foot-wide access easement providing access to properties located in Section 25, T1S, R9E and Section 30, T1S, R10E, all of BHM, Pennington County, South Dakota, to Cisco Lane.

Sack reviewed the Staff Report indicating the applicant has applied to name a road to Cisco Lane.

Staff recommended approval of the Road Name of Cisco Lane.

Moved by Burton and seconded by McGregor to approve the Road Name of Cisco Lane.

All voting aye, the Motion carried 7 to 0.

17. ROAD NAMING: H & H Land Company No. 2, LLC / Brian Hammerbeck. To name a 66-foot-wide access easement providing access to properties located in Section 25, T1S, R9E, BHM, Pennington County, South Dakota, to Two Socks Place.

Sack reviewed the Staff Report indicating the applicant has applied to name a road to Two Socks Place.

Staff recommended approval of the Road Name of Two Socks Place.

Moved by Coleman and seconded by Kuehn to approve the Road Name of Two Socks Place.

All voting aye, the Motion carried 7 to 0.

18. ROAD NAMING: H & H Land Company No. 2, LLC / Brian Hammerbeck. To name a 66-foot-wide access easement providing access to properties located in Section 19, T1S, R10E, BHM, Pennington County, South Dakota, to Kostner Court.

Sack reviewed the Staff Report indicating the applicant has applied to name a road to Kostner Court.

Staff recommended approval of the Road Name of Kostner Court.

Moved by Lewis and seconded by Coleman to approve the Road Name of Kostner Court.

All voting aye, the Motion carried 7 to 0.

19. ROAD NAMING: H & H Land Company No. 2, LLC / Brian Hammerbeck. To name a 66-foot-wide access easement providing access to properties located in Sections 19 and 30, T1S, R10E, BHM, Pennington County, South Dakota, to Standing Fist Road.

Sack reviewed the Staff Report indicating the applicant has applied to name a road to Standing Fist Road.

Staff recommended approval of the Road Name of Standing Fist Road.

Moved by Kuehn and seconded by McGregor to approve the Road Name of Standing Fist Road.

All voting aye, the Motion carried 7 to 0.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from their August 8th meeting.

21. ITEMS FROM THE PUBLIC

There were no items from the public.

22. ITEMS FROM THE STAFF

A. Planning Department. Molitor introduced Megan Talmage as new Planning Employee.

23. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

24. ADJOURNMENT

Moved by Hadcock and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:48 a.m.

Charlie Johnson, Chairperson