

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**February 10, 2014 @ 9:00 a.m.**  
County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Jim Coleman, Lori Litzen, Bill McCollam, and Don Holloway.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Jeri Ervin, PJ Conover, Kelsey Rausch, and Brittney Molitor.

ROLL CALL

1. APPROVAL OF THE JANUARY 27, 2014, MINUTES  
**Moved by Hall and seconded by Litzen to approve the January 27, 2014, Planning Commission minutes. Vote: unanimous (6 to 0).**

Commissioner McCollam spoke of Items #3 and #4 and asked staff to incorporate standard conditions associated with Mining Permits.

2. APPROVAL OF THE AGENDA  
**Moved by Hall and seconded by McCollam to approve the February 10, 2014, Planning Commission Agenda. Vote: unanimous (6 to 0).**

**CONSENT CALENDAR**

The following items have been placed on the Consent Calendar 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 Calendar, 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. **MINING PERMIT / MP 14-01:** Western Construction, Inc.; Tom Lien – Agent. To excavate, extract, and process gravel in a General Agriculture District in accordance with Sections 205 and 507 of the Pennington County Zoning Ordinance.

E1/2 of Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

**To approve of Mining Permit / MP 14-01 with the following seventeen (17) conditions:**

1. **That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #09-880) be continually met;**

2. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License when it is renewed;
3. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge System For Nonmetallic Mineral Processing Plants in South Dakota (SDG05A185) be continually met;
4. That tracking control be maintained at the entrance onto Longview Road as required by Section 507-A of the Pennington County Zoning Ordinance;
5. A new Haul Road Agreement must be obtained from the Pennington County Highway Department and a copy submitted to the Planning Director;
6. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
7. That erosion control measures be maintained around the stockpiles and any disturbed areas to prevent sediment from leaving the site and limit surface erosion;
8. That site inspections be done at least weekly during the period of construction or monthly if no construction activity is occurring on the site (temporary stabilization is required if activity on the site is dormant for more than 21 days) and within 24 hours following a storm event of at least 0.5" or a snowmelt event that causes surface erosion and that the weekly site inspection records shall be kept onsite and available at the Planning Director's request;
9. That any permanent development should be designed so as not to interfere with any future street alignments;
10. That all debris and materials must be secured and contained on site in a manner that prevents a safety hazard to persons, property, and/or equipment on the airport;
11. That all dust, smoke and particulate matter must be controlled in a manner that does not impact airport operations or pose a safety hazard;
12. That the airport waterline project is not adversely impacted and accommodations made with the City during construction of the water line;
13. That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;

14. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;
15. That the site shall be re-vegetated as required in Section 507-A(5)(c);
16. That the applicant sign a statement of Understanding within seven (7) days of Permit approval; and,
17. That this Mining Permit expires one (1) year from the approval date.

**Vote: unanimous (6 to 0).**

4. **MINING PERMIT / MP 14-02:** Pennington County Highway Department. To excavate and extract gravel in a General Agriculture District in accordance with Sections 205 and 507 of the Pennington County Zoning Ordinance.

W1/2 of Section 6, T1N, R12E, BHM, Pennington County, South Dakota.

**To approve of Mining Permit / MP 14-02 with the following thirteen (13) conditions:**

1. The applicant obtains a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities prior to commencement of Mining Activities;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the Mining Activity;
4. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-45) be continually met;
5. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Director when it is renewed;
6. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
7. That erosion control measures be implemented around the stockpiles to prevent sediment from leaving the site and, in addition, any disturbed areas must have acceptable erosion control measures to prevent surface erosion and sediment leaving the site or entering drainage ways;

8. That prior to any dirt work commencing within the 100-year floodplain, a Floodplain Development Permit be obtained;
9. That site inspections be done at least weekly during the period of construction or monthly, if no construction activity is occurring on the site (temporary stabilization is required if activity on the site is dormant for more than 21 days), and within 24 hours following a storm event of at least 0.5" or a snowmelt event that causes surface erosion and weekly site inspection records shall be submitted to the Planning Director on a monthly basis during the period of construction;
10. That an address be posted in large numbers at the entrance to the pit in accordance with Ordinance #20;
11. That self-contained toilets be provided on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations;
12. That the site shall be revegetated as required in Section 507-A(5)(c); and,
13. That this Mining Permit be reviewed in one (1) year or upon a complaint basis.

**Vote: unanimous (6 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 13-03:** Philip and Colleen Hunter. To review accessory structures (wood shed and a greenhouse) without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 6 of Engberg Subdivision, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 13-03 with the following seven (7) conditions:**

1. That the approach be constructed in accordance with the Approach Permit approved by the County Highway Department;
2. That the applicant post the address so it is clearly visible from both directions of travel along Old Hill City Road in accordance with Pennington County Ordinance #20;
3. That the property remains free of debris and junk vehicles;
4. That the property be used for personal use only and no commercial-type uses;

5. That if any plumbing is to be installed in the accessory structures, it be hooked into an approved means of wastewater disposal. If an on-site wastewater treatment system is to be installed, an approved On-Site Wastewater Construction Permit must be obtained;
6. That the applicant obtain any necessary Building Permits for the accessory structures prior to construction; and,
7. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

**Vote: unanimous (6 to 0).**

6. **CONDITIONAL USE PERMIT / CU 14-01:** PLM Investments, LLC; Mary Riss. To allow for single-wide mobile homes, as single-family residences, to be located on each of the subject properties in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot A of Lot 12; Lot 2 of Lot A of Lot 12; and Lot 3 of Lot A of Lot 12, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the January 27, 2014, Planning Commission meeting.)

**To approve of Conditional Use Permit / CU 14-01 with the following ten (10) conditions:**

1. That each lot address (4695, 4711 and 4727) be clearly posted, on their respective lots, so as to be visible from both directions on Carol Street in accordance with Pennington County's Ordinance #20;
2. That Removal/Demolition Permits be obtained for each of the single-wide mobile homes prior to approval of a Building Permit for each of the new single-wide mobile homes;
3. That each lot remain debris free, to a condition satisfactory to the Ordinance Enforcement Officer, prior to the issuance of Building Permits to place the new SWMHs on the subject properties;
4. That all subject properties remains free of debris and junk vehicles;
5. That each mobile home installed on the property, as replacements for the existing SWMHs, have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;

6. That the minimum setback requirements of a Suburban Residential District be continually maintained on each property;
7. That two (2) off-street parking spaces be continually provided, on each of the subject properties, in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats/blankets) be implemented;
9. That the removal/demolition of the three mobile homes needs to be completed within ninety (90) days of receiving the Removal/Demolition Permit; 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 to verify that all conditions of approval are being met.

**Vote: unanimous (6 to 0).**

7. **CONDITIONAL USE PERMIT / CU 14-02:** Bituminous Paving/Bill Krakowski; Owner – Clinton Ranch. To allow for a temporary, portable asphalt plant and stockpile site for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2E1/2SW1/4SW1/4 and the E1/2E1/2SW1/4 SW1/4; SE1/4SW1/4NE1/4SW1/4; S1/2SE1/4 NE1/4SW1/4; SE1/4SW1/4; SW1/4SW1/4NW1/4 SE1/4; W1/2W1/2 SW1/4SE1/4; GL 1; and GL 2, Section 23, T1N, R3E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 14-02 with the following fifteen (15) conditions:**

1. That port-o-potties are provided on-site, throughout the operation of the stockpile and portable asphalt plant;
2. That the existing property address (11626 Slate Prairie Road) be used for the stockpile and portable asphalt plant and conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
3. All access to the worksite be via the existing private approach and not from the existing approach on United States Forest Service;

4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the project;
6. That all necessary permits from the Department of Environmental and Natural Resources be obtained;
7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
9. That prior to operation of the stockpile and portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;
10. That prior to operation, the applicant, or designee meet with members of the Hill City Volunteer Fire Department and Ambulance to reach an understanding as to how emergencies will be handled on the subject property and on properties located down-the-road from the subject property, in such a way as to minimize and/or eliminate the chance of emergency vehicle response time delays;
11. The applicant will take measures to protect all posted line corners, signs and bearing trees, on United States Forest Service, during the time of the operation;
12. At no time during the operation will either the stockpile and/or portable asphalt plant infringe on United States Forest Service;
13. At no time during the operation, will either the stockpile and/or portable asphalt plant infringe upon the 58 foot Section Line Right-of-Way;
14. Prior to operation of the stockpile and/or portable asphalt plant, the applicant or designee will contact a representative of the United States Forest Service so they may review and approve the environmental management measures proposed by the applicant; and,

15. That this Conditional Use Permit be reviewed at the first available Pennington County Planning Commission meeting to be held in December of 2014.

**Vote: unanimous (6 to 0).**

## **END OF CONSENT CALENDAR**

### 8. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 27, 2014, Planning Commission meeting.

### 9. ITEMS FROM THE PUBLIC

There were no items from the public.

### 10. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for January 2014.

B. Pennington County Comprehensive Plan. Jennissen informed the Planning Commission that a meeting will be held in the P&Z Conference Room, directly after the PC meeting, to discuss moving forward with Clarion Associates to update the County's Comprehensive Plan.

C. Commercial Building Permit and Drainage Fees. Jennissen stated that the Board of Commissioners asked that this item be tabled until the Comprehensive Plan is reviewed to incorporate any fee changes at that time.

D. Building Inspection Program. Jennissen explained that the Board of Commissioners directed the Planning Director to review using current staff for a Compliance Officer to verify compliance of setbacks for Building Permits.

### 11. ITEMS FROM THE MEMBERSHIP

Commissioners Litzen, McCollam, and Hall stated they will not be available for the March 10<sup>th</sup> Planning Commission meeting.

### 12. DISCUSSION ITEMS



There were no discussion items.

13. ADJOURNMENT

**Moved by Coleman and seconded by Hall to adjourn.**

**All voting aye, the Motion carried 6 to 0.**

The meeting adjourned at **9:10 a.m.**

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Chairperson, Sig Zvejnieks