

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

April 8, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Jim Coleman, Karen Hall, Bill McCollam, Lori Litzen, Barbara Landers, and Lyndell Petersen.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, Jeri Ervin, and Patrick Grode (SAO).

ROLL CALL

1. APPROVAL OF THE MARCH 25, 2013, MINUTES
Moved by Hall and seconded by Coleman to approve the March 25, 2013, Planning Commission minutes. Vote: unanimous (6 to 0).

Commissioner McCollman appeared at the meeting at 9:02 a.m.

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by Landers to approve the April 8, 2013, Planning Commission Agenda. Vote: unanimous (7 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. CONDITIONAL USE PERMIT REVIEW / CU 09-10: DTH, LLC; Tom Bodensteiner – Agent. To review a Sawmill in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Beaird Subdivision, Section 21, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 09-10 with the following fifteen (15) conditions:

1. **That the Conditional Use Permit be limited to the processing of timber I-beams into boards for Bodensteiner Beamworks, any expansion beyond this will require the Conditional Use Permit to be reviewed;**
2. **That the daily hours of operation shall be 8:00 a.m. to 4:00 p.m., Monday through Friday;**

3. That the lot address be clearly posted on the residence as well as at both entrances to the property so it is visible from both directions along in accordance with Pennington County's Ordinance #20;
4. That the shavings from the timbers be properly disposed of and placed in a dumpster and hauled away on a regular basis;
5. That the applicant ensures the residential character of the property is maintained;
6. That no new approaches be allowed;
7. That the applicants obtains the necessary permit from the Rapid City Air Quality Department prior to any further activity associated with the sawmill being performed on-site;
8. That a total of three (3) portable fire extinguishers with a minimum 2 A-BC rating be placed within the building;
9. That an approved Floodplain Development Permit be obtained prior to any further business activity being conducted from the property;
10. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
11. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
12. That a minimum of four (4) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;
13. That any trade or stock associated with the business must be stored inside a structure or behind a privacy fence;
14. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in five (5) years or on a complaint basis to ensure that all conditions are being met.

Vote: unanimous (7 to 0).

4. **MINING PERMIT / MP 13-03:** Pennington County Highway Department. To allow for the extraction of 16,000 cubic yards of gravel for road surfacing in a General Agriculture District in accordance with Section 507-B of the Pennington County Zoning Ordinance.

SE1/4, Section 3, T1S, R14E, BHM, Pennington County, South Dakota.

To recommend approval of Mining Permit / MP 13-03 with the following ten (10) conditions:

- 1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the mining operation;**
- 2. That tracking control (a minimum of 10' by 20' by 6" rock bed) must be implemented at the entrance as required by Section 507-A of the Pennington County Zoning Ordinance;**
- 3. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;**
- 4. 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;**
- 5. That prior to any dirtwork commencing within the 100-year floodplain, a Floodplain Development Permit be obtained;**
- 6. 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;**
- 7. That the site shall be revegetated as required in Section 507-A(5)(c);**
- 8. That an address be posted in large numbers at the entrance to the pit in accordance with Ordinance #20;**
- 9. 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, including setbacks. The method and schedule of disposal of the solid waste, in compliance with State and local rules and regulations, must be provided by the applicant in writing; and,**
- 10. That this Mining Permit be reviewed in one (1) year or upon a complaint basis.**

Vote: unanimous (7 to 0).

5. **MINING PERMIT / MP 13-04:** Pennington County Highway Department. To allow for the extraction of 25,000 cubic yards of gravel in a General Agriculture District in accordance with Section 507-B of the Pennington County Zoning Ordinance.

NE1/4, Section 29, T3N, R15E, BHM, Pennington County, South Dakota.

To recommend approval of Mining Permit / MP 13-04 with the following nine (9) conditions:

1. **That the applicant continually obtain, maintain and adhere to the Storm Water Pollution Prevention Plan during the mining operation;**
2. **That tracking control (a minimum of 10' by 20' by 6" rock bed) must be implemented at the entrance as required by Section 507-A of the Pennington County Zoning Ordinance;**
3. **That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;**
4. **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;**
5. **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;**
6. **That the site shall be revegetated as required in Section 507-A(5)(c);**
7. **That an address be posted in large numbers at the entrance to the pit in accordance with Ordinance #20;**
8. **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, including setbacks. The method and schedule of disposal of the solid waste, in compliance with State and local rules and regulations, must be provided by the applicant in writing; and,**
9. **That this Mining Permit be reviewed in one (1) year or upon a complaint basis.**

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT / CU 13-06:** Bituminous Paving. To allow for a portable asphalt plant in a General Agriculture District to work on the U.S. Highway 16 project in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That Part of S1/2NW1/4 lying W. of Highway 16; That Part of SW1/4 lying N & N of Highway 16, Section 10, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 13-06 with the following twelve (12) conditions:

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That port-o-potties are provided on-site prior to the operation of the asphalt plant;**
3. **That the assigned address shall be posted on the office structure and a cell phone shall be present on the site at all times;**
4. **That the existing approach off of Highway 16 be utilized;**
5. **That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing proper BMPs prior to any land disturbance;**
6. **That all tailings, stockpiles and temporary offices be cleaned up and removed from the property upon the completion of the project;**
7. **That all necessary permits from the Department of Environment and Natural Resources be obtained;**
8. **That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas are maintained in a dust free condition;**
9. **That erosion control measures be implemented and maintained and barrier protection measures (ie wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;**
10. **That an Air Quality Permit be obtained from the South Dakota Department of Environment and Natural Resources. A copy of the Air Quality Permit shall be provided to the Planning Department prior to the operation of the batch plant;**
11. **That prior to operation of the batch plant, the applicant notify Emergency Services Communication Center; and,**

12. **That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to determine that all conditions are being met.**

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

7. DISCUSSION OF SIGN ORDINANCE AMENDMENT.

(Continued from the December 10, 2012, Planning Commission meeting.)

Jennissen reviewed the memo addressing temporary signs and banners with the Planning Commission. He also spoke of surrounding counties and their sign regulations.

Commissioner Zvejnieks spoke of sight distance requirements in relation to Sign Permits for Pennington County.

Commissioner Coleman discussed temporary sign permits.

Commissioner Hall expressed concern that temporary signs should be required to be removed within a specific timeframe.

Discussion followed between staff and the Planning Commission for temporary sign requirements.

Moved by Landers and seconded by McCollam that staff prepare an Ordinance Amendment addressing temporary signs to include that the temporary sign can be placed up twenty days before the event and must be removed within ten days after the event, the temporary sign cannot be larger than a maximum size of 32 feet, there shall be a no fee for the temporary sign, and, if the event exceeds ten days, a Sign Permit must be obtained prior to the event.

Discussion further followed and Zeller noted that staff does have an enforcement issue with regards to temporary signs and an Ordinance is necessary.

After much discussion, Commissioner Hall called the Question. Vote on calling the Question. All voted aye.

Roll call vote on Original Motion: Commissioners Litzen, Landers, McCollam, Coleman, Hall and Zvejnieks voted yes. Commissioner Petersen voted no. Motion passed 6 to 1.

Commissioner Petersen commented on the Motion and also spoke of temporary signs only being regulated to where they will be placed on the property.

8. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the March 25, 2013, Planning Commission meeting.

9. ITEMS FROM THE PUBLIC

There were no items from the public.

10. ITEMS FROM THE STAFF

- A. Building Permit Report for March 2013. Jennissen reviewed the Building Permit Report for March 2012.
- B. Year-End Report for 2012. Jennissen reviewed the 2012 Year-End Report.
- C. Telephones in Vacation Home Rentals. Zeller discussed the potential requirement to include landline telephones in Vacation Home Rentals. She further informed the Planning Commission that, after further research and discussion, staff does not recommend the VHR Ordinance be amended to include a requirement for landline telephones.

Zeller further asked that the Planning Commission review the Conditional Use Permit for Loretta Daigle, at an upcoming Planning Commission meeting, in order to remove the condition for the landline telephone from the Conditions of Approval for her Vacation Home Rental.

Moved by Hall and seconded by Litzen to review the Conditional Use Permit for Loretta Daigle, at an upcoming Planning Commission meeting, in order to remove the Condition in which the applicant is required to have a landline in the Vacation Home Rental.

Commissioner Coleman expressed concern and further suggested that the VHR operator, at a minimum, provide information to guests about the availability of cell service in the area.

All voting aye. The Motion carried 7 to 0.

- D. General Agriculture District vs. Limited Agriculture District Uses. Zeller reviewed the uses currently allowed in both a General Agriculture District and Limited Agriculture District. She further spoke of a few discrepancies that staff would like to correct between the two zoning districts to make them more consistent and asked if the Planning Commission would like staff to prepare an Ordinance Amendment to proceed with the minor changes.

Commissioner Zvejnieks recommended this item be continued in order for the Planning Commission to review the uses in the two zoning districts and make additional recommendations.

Commissioner Petersen discussed the list possibly consisting of what uses would not be allowed in each of the zoning districts.

Zeller said staff would take this into consideration when preparing the Ordinance Amendment.

Moved by Zvejnieks and seconded by Hall to continue the discussion of this item to the April 22, 2013, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

11. ITEMS FROM THE MEMBERSHIP

Commissioner Landers provided the Planning Commission and staff with information on an upcoming meeting being held on April 24th at the University Center to discuss the program called Dakota Water Watch, which is managed and staffed by the East Dakota Water Development District in Brookings, SD. The program helps people learn more about local water quality conditions.

12. DISCUSSION ITEMS

There were no discussion items.

13. ADJOURNMENT

Moved by Coleman and seconded by McCollam to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **10:05 a.m.**

Chairperson, Sig Zvejnieks