

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 11, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Jeri Ervin, Kelsey Rausch, Colin Hensley, and Kinsley Groote (SAO).

ROLL CALL

1. NOTICE TO CONSIDER A MOTION TO RESCIND ACTION TAKEN ON APRIL 13, 2015, TO APPROVE THE MARCH 23, 2015, MINUTES OF THE PLANNING COMMISSION MEETING FOR ITEM #5 (PUD REVIEW 06-07 FOR RAPID CITY MHP, LLC.) – P.J. Conover, Planning Director.

Conover explained that, at the April 13, 2015, Planning Commission meeting, a Motion was made by members of the Planning Commission to amend the meeting minutes from the March 23, 2015, Planning Commission meeting regarding Planned Unit Development Review 06-07 – Rapid City MHP, LLC., (Cimmaron Mobile Home Park), specifically Conditions #4 and #5. Staff reviewed the audio from the meeting minutes of March 23rd and found that the Motion made to amend those conditions was inaccurate.

Conditions #4 and #5 are to read as follows:

Condition #4. “That each mobile home shall have a minimum 20 foot separation between living spaces.”

Condition #5: “That decks and/or porches be allowed with a Building Permit as accessory structures to each mobile home.”

Discussion followed.

Moved by Hall and seconded by McCollam to rescind the approval of the March 23, 2015, Planning Commission minutes from the April 13, 2015, Planning Commission meeting to amend Conditions #4 and #5. Vote: unanimous (5 to 0).

Moved by Hall and seconded by McCollam to approve amending the March 23, 2015, minutes to reflect the Motion made on April 13, 2015. Vote: unanimous (5 to 0).

Moved by Hall and seconded by McCollam to reapprove the March 23, 2015, Planning Commission minutes, as amended, for PUD Review 06-07 – Rapid City MHP, LLC., (Cimmaron Mobile Home Park), for Conditions #4 and #5 to state:

Condition #4. “That each mobile home shall have a minimum 20 foot separation between living spaces.”

Condition #5: “That decks and/or porches be allowed with a Building Permit as accessory structures to each mobile home.”

Vote: unanimous (5 to 0).

2. APPROVAL OF THE APRIL 27, 2015, MINUTES

Moved by Hall and seconded by McCollam to approve the minutes of the April 27, 2015, Planning Commission Meeting. Vote: unanimous (5 to 0).

3. APPROVAL OF THE AGENDA

Moved by McCollam and seconded by Hall to approve the Agenda of the April 27, 2015, Planning Commission Meeting, including the Consent Calendar, with the removal of Item #9. Vote: unanimous (5 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.

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

The West 250’ of the North 662.9’ of the NW1/4SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 01-01 to the June 8, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 05-01:** Kendra Larson. To review an existing cabin as a guesthouse in accordance with Sections 205-C-13 and 20 and Section 510 of the Pennington County Zoning Ordinance.

GL3 (NW1/4 SW1/4) of Section 30, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 05-01 with the following six (6) 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 the cabin and the single-family residence must maintain a minimum of two (2) nine (9) foot by eighteen (18) foot parking spaces;
3. That the cabin not be used as a rental or a permanent residence;
4. That the cabin and the single-family residence must continue to use the existing access approach from Norseman Lane;
5. That all U.S. Forest Service property lines and markers must be maintained and respected; and,
6. That this **Conditional Use Permit** be reviewed on a complaint basis.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 06-01**: William Reishus. To review a manufactured home as a permanent residence in a General Agriculture District in accordance with Sections 205-C-22 and Section 510 of the Pennington County Zoning Ordinance.

Tract 1, Beacon Hill Subdivision, Section 10, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 06-01 with the following four (4) 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 the address for the manufactured home remains posted at the end of Bradsky Road and again at the entrance of the above legally described property, in accordance with **Pennington County Ordinance #20**;
- 3 That the existing approach continue to be used for the primary access to the residence; and,
- 4 That this **Conditional Use Permit** be reviewed on a complaint basis or as directed by either the **Pennington County Board of Commissioners** and/or the **Pennington County Planning Commission**.

Vote: unanimous (5 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 08-45:** Elaine Andersen; Stephanie Andersen – Agent. To review a single-wide mobile home to be used as a temporary residence while constructing a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Tract Olson Parcel #3, Section 11, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the January 26, 2015, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 08-45 to the June 22, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 10-29:** Dan and Beth Thomas. To review a temporary residence (camper) on the property while constructing a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Tract 3, Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-29 with the following five (5) conditions:

1. **That the wastewater from the camper be properly disposed of at all times and if the camper utilizes the on-site wastewater treatment system, it be disconnected once the residence is finished and habitable;**
2. **That the camper no longer be used as a residence once the residence is finished and habitable, following which it only be allowed to be parked on the property;**
3. **That the residence not be utilized as a nightly or weekly vacation rental and only be used by the applicants for their personal use, unless a Conditional Use Permit for a Vacation Home Rental is obtained to allow for such;**
4. **That the property remains free of debris and junk vehicles; and,**
5. **That this Conditional Use Permit be reviewed in December 2015 or on a complaint basis to verify that all conditions of approval are being met.**

Vote: unanimous (5 to 0).

10. **PLANNED UNIT DEVELOPMENT REVIEW / PU 02-04:** Deerfield Park Condominiums. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the March 23, 2015, Planning Commission meeting.)

To recommend to continue the review of Planned Unit Development / PU 02-04 to the May 26, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

11. **MINING PERMIT REVIEW / MP 14-03:** Pennington County Highway Department. To review excavating gravel for road resurfacing in the area in accordance with Section 507 of the Pennington County Zoning Ordinance.

SE1/4 of Section 28, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Mining Permit / MP 14-03 with the following eleven (11) conditions.

1. **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;**
2. **That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the Mining Activity;**
3. **That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permit be continually met;**
4. **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;**
5. **That the applicant adhere to the Contract for the Sale of Mineral Materials from the Mystic and Northern Hills Ranger District (Contract Number MM-FY09-MY010) and Exhibit B – Terms and Conditions to Plan of Operations Copper Mountain, Nichols Creek & Benchmark Quarries;**
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 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;
9. That the site shall be revegetated as required by Exhibit B – Terms and Conditions to Plan of Operation Cooper Mountain, Nichols Creek & Benchmark Quarries, Section C;
10. That the applicant sign a statement of Understanding within seven (7) days of Permit approval; and,
11. That this Mining Permit be reviewed in five (5) years, and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous (5 to 0).

12. **MINING PERMIT REVIEW / MP 14-04:** Pennington County Highway Department. To review excavating and extracting gravel for road resurfacing in the area in accordance with Section 507 of the Pennington County Zoning Ordinance.

E1/2SE1/4 of Section 7, T2N, R15E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Mining Permit / MP 14-04 with the following ten (10) conditions:

1. 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;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the Mining Activity;
3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits be continually met;
4. 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;

5. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
6. 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;
7. 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;
8. That the site shall be revegetated as required in Section 507-A(5)(c);
9. That the applicant sign a statement of Understanding within seven (7) days of Permit approval; and,
10. That this Mining Permit be reviewed in five (5) years, and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

9. CONDITIONAL USE PERMIT REVIEW / CU 14-16: Justin and Cassandra Kistler. To allow a double-wide manufactured home to be used as a temporary residence while constructing a stick-built residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract 1, Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the February 9, 2015, Planning Commission meeting.)

Commissioner Hall asked to have this Item removed from the Consent Calendar.

Bolstad explained that the applicant was to have the double-wide manufactured home removed from the property by May 11, 2015. On May 5, 2015, the applicant did speak

with staff and he stated that he has sold the double-wide manufactured home, but is waiting for the equipment to remove it.

Staff recommended to continue the review of Conditional Use Permit / CU 14-16 to the June 8, 2015, Planning Commission meeting in order for double-wide manufactured home to be removed from the property.

Discussion followed.

Moved by Hall and seconded by Landers to continue the review of Conditional Use Permit / CU 14-16 to the June 8, 2015, Planning Commission meeting in order for the double-wide manufactured home to be removed from the property.

All voting aye, the Motion carried 5 to 0.

13. CONDITIONAL USE PERMIT / CU 15-08: Glen and Cheryl Iversen. To allow for an accessory structure, a garage, prior to a primary structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 25, Block 5, Valley Heights Estates Subdivision, Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

Hensley reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for an accessory structure, a garage, prior to a primary structure. Hensley also noted that staff has received several letters in opposition to the proposed request.

Staff recommended approval of Conditional Use Permit / CU 15-08 with the following ten (10) conditions:

1. That if the applicant chooses to install any plumbing within the accessory structure, an approved On-Site Wastewater Construction Permit be obtained to install an On-Site Wastewater Treatment System on the Property.
2. That Building Permits be obtained for any structure exceeding 144 square feet and located on a permanent foundation, which includes a site plan to be reviewed and approved by the Planning Director;
3. That the applicant maintains all required setbacks during new construction;
4. That the accessory structure be used for personal use only and no commercial type uses;
5. That the property remain free of debris and junk vehicles;
6. That all natural drainage paths be maintained;

7. That the address, once assigned to the property, be posted so it is clearly visible from Candlelight Dr. in accordance with Pennington County's Ordinance #20;
8. That once the applicant applies for a Building Permit for a single-family residence on this property, this CUP be automatically revoked;
9. 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; and,
10. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit 15-08, which is available at the Planning Office.

Discussion followed.

Moved by Coleman and seconded by Landers to deny Conditional Use Permit / CU 15-08.

All voting aye, the Motion carried 5 to 0.

14. CONDITIONAL USE PERMIT / CU 15-09: Ralph and Sandra Kruse. To amend an existing Conditional Use Permit to allow for the addition of two storage unit buildings in a Highway Service District in accordance with Sections 210 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, R84, BHM, Pennington County, South Dakota.

Hensley reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to amend an existing Conditional Use Permit to allow for the addition of two storage unit buildings on the subject property.

Staff recommended approval of Conditional Use Permit / CU 15-09 with the following ten (10) conditions:

1. 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;
2. That two (2) new storage units be allowed on the property, measuring 20' x 90' and 24' x 124';
3. That a caretaker's dwelling unit continue to be allowed;
4. That three billboard signs and one business sign currently located on the property be allowed;

5. That the parking area for each storage unit measure 30' x 105', surfaced with four inches of gravel and maintained in such a manner that no dust will result from continuous use;
6. That the entrance road be maintained at 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;
7. That the storage units be used exclusively for storage and not retail business activities;
8. That the grading of the site maintain all existing drainage paths;
9. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-09, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed on a complaint basis only.

Discussion followed.

Moved by Hall and seconded by Coleman to approve of Conditional Use Permit / CU 15-09 with the following ten (10) conditions:

- 1. 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;**
- 2. That two (2) new storage units be allowed on the property, measuring 20' x 90' and 24' x 124';**
- 3. That a caretaker's dwelling unit continue to be allowed;**
- 4. That three billboard signs and one business sign currently located on the property be allowed;**
- 5. That the parking area for each storage unit measure 30' x 105', surfaced with four inches of gravel and maintained in such a manner that no dust will result from continuous use;**
- 6. That the entrance road be maintained at 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;**
- 7. That the storage units be used exclusively for storage and not retail business activities;**
- 8. That the grading of the site maintain all existing drainage paths;**

9. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-09, which is available at the Planning Office; and,

10. That this Conditional Use Permit be reviewed on a complaint basis only.

All voting aye, the Motion carried 5 to 0.

15. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 15-02: Deerfield Park Condominiums. To amend an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating this an amendment to an existing Planned Unit Development to modify the language in Condition #9 to change “Specialty Resort” to “Vacation Home Rental.”

Staff recommended approval of Major Planned Unit Development Amendment / PU 15-02 with the following fourteen (14) conditions:

1. That the specific uses of this Planned Unit Development be for single-family residences not to exceed ten (10) units located in not more than five (5) structures of which only Units #5, #7, and #9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. Each residential condominium unit (#1-#4, #6, #8, and #10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That only Condominium Units #5, #7, and #9 may be used for night/weekly rental or normal residential use;
5. Condominium units #5, #7, and #9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;
7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That 2 lb. ABC dry chemical fire extinguishers are accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;
10. That prior to County Board approval, the "Residence and Business Automatic Detail Information Form" be submitted to the Planning Department as requested by the Pennington County Fire Coordinator;
11. That the applicants have a Sales Tax License as required by the South Dakota Department of Revenue;
12. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
13. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
14. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

Discussion followed.

Moved by Hall and seconded by McCollman to approve of Major Planned Unit Development Amendment / PU 15-02 with the following fourteen (14) conditions:

- 1. That the specific uses of this Planned Unit Development be for single-family residences not to exceed ten (10) units located in not more than five (5) structures of which only Units #5, #7, and #9 may be used for nightly/weekly tourist rental and accessory structures;**

2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. Each residential Condominium Unit (#1-#4, #6, #8, and #10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That only Condominium Units #5, #7, and #9 may be used for night/weekly rental or normal residential use;
5. Condominium Units #5, #7, and #9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;
7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That 2 lb. ABC dry chemical fire extinguishers are accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;
10. That prior to County Board approval, the "Residence and Business Automatic Detail Information Form" be submitted to the Planning Department as requested by the Pennington County Fire Coordinator;
11. That the applicants have a Sales Tax License as required by the South Dakota Department of Revenue;
12. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
13. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance

of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,

- 14. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.**

All voting aye, the Motion carried 5 to 0.

16. LAYOUT PLAT / PL 15-08: Greg and Cynthia Andrew; Fisk Land Surveying – Agent To create Lots 6A and 6B, Block 2 of Rolling Hills Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 6, Block 2, Rolling Hills Estates, Section 10, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 6A and 6B, Block 2, Rolling Hills Estates, Section 10, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Layout Plat to create Lots 6A and 6B, Block 2 of Rolling Hills Estates.

Staff recommended approval of Layout Plat / PL 15-08 with the following ten (10) conditions:

1. That 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, prior to the Plat being filed with the Register of Deeds;
2. That prior to filing the Plat with the Register of Deeds, major drainage easements for any existing drainage ways be indicated on the plat;
2. That engineered road construction plans be submitted for the required improvements or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
3. That a Lot Size Variance be obtained to allow for a smaller than required lot size in a Low Density Residential District, prior to the Plat being filed with the Register of Deeds;
5. That prior to the Plat being filed with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment systems on Proposed Lot 6A and Proposed Lot 6B;
6. That prior to filing the Plat with the Register of Deeds, an address be assigned to the single-family residence structure on Proposed Lot 6A and that the placement

of both property addresses, for Proposed Lot 6A and Proposed Lot 6B, meets Pennington County Ordinance #20 standards;

7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That prior to filing the Plat with the Register of Deeds, the plat meets all necessary requirements of Section 400.2 and/or 400.3 of the Pennington County Subdivision Regulations including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
9. That the property owners sign Statements of Understanding within seven (7) business days of approval for Layout Plat 15-08; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by McCollam and seconded by Hall to approve of Layout Plat / PL 15-08 with the following ten (10) conditions:

- 1. That 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, prior to the Plat being filed with the Register of Deeds;**
- 2. That prior to filing the Plat with the Register of Deeds, major drainage easements for any existing drainage ways be indicated on the plat;**
- 2. That engineered road construction plans be submitted for the required improvements or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;**
- 3. That a Lot Size Variance be obtained to allow for a smaller than required lot size in a Low Density Residential District, prior to the Plat being filed with the Register of Deeds;**
- 5. That prior to the Plat being filed with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment systems on Proposed Lot 6A and Proposed Lot 6B;**
- 6. That prior to filing the Plat with the Register of Deeds, an address be assigned to the single-family residence structure on Proposed Lot 6A and that the placement of both property addresses, for Proposed Lot 6A and Proposed Lot 6B, meets Pennington County Ordinance #20 standards;**

7. **That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
8. **That prior to filing the Plat with the Register of Deeds, the plat meets all necessary requirements of Section 400.2 and/or 400.3 of the Pennington County Subdivision Regulations including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
9. **That the property owners sign Statements of Understanding within seven (7) business days of approval for Layout Plat 15-08; and,**
10. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 5 to 0.

17. REZONE / RZ 15-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-02: Mitch Morris. To rezone 151.36 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 151.36 acres of land located in the E1/2 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 151.36 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the southwest corner of Lot 1 of the SW1/4 SE1/4 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, on the south line of Section 32 at the intersection of the east right-of-way line of South Dakota Highway 79; Thence, North 06°32'53" West, along the west line of said Lot 1 of the SW1/4 SE1/4 of Section 32 and east right-of-way line of SD Highway 79, a distance of 4310.98 feet to a point on the easterly line of Lot A of the NW1/4 NE1/4 of Section 32 as shown on plat recorded in Highway Plat Book 9, Page 93, in the office of the Pennington County Register of Deeds, in a curve from which the center of curvature bears North 48°17'34" West a distance of 103.00 feet; Thence, southwesterly, following the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the right having a radius of 103.00 feet, a central angle of 35°53', for an arc distance of 64.51 feet to a point of tangency; Thence, South 77°35'27" West, continuing to follow the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 4.12 feet to a point for corner on the east right-of-way line of SD Highway 79, in a curve from which the center of curvature bears South 73°13'38" West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of 00°29'02", for an arc length of 33.11 feet to point for corner on the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32; Thence, North 77°35'27" East, following the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 6.78 feet to a point of curvature; Thence,

northeasterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 70.00 feet, a central angle of 84°05'03", for an arc length of 102.73 feet to a point of tangency; Thence, North 06°29'36" West, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 606.16 feet to a point of curvature; Thence, northwesterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 1432.39 feet, a central angle of 05°45'52", for an arc length of 144.11 feet to point for corner on the west line of the E1/2 of Section 32; Thence, North 00°01'24" East, along the west line of the E1/2 of Section 32, a distance of 206.71 feet to the northwest corner of the E1/2 of Section 32; Thence, South 89°48'35" East, along the north line of the E1/2 of Section 32, a distance of 2656.84 feet to the northeast corner of Section 32; Thence, South 00°04'45" West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North 89°48'35" West, parallel to and 500 feet distant from the north line of the E1/2 of Section 32, a distance of 1514.54 feet to a point for corner; Thence, South 06°22'35" East, a distance of 4844.00 feet to a point for corner on the south line of the E1/2 of Section 32; Thence, North 89°36'35" West, along the south line of the E1/2 of Section 32, a distance of 1088.72 feet to the POINT OF BEGINNING and containing 151.36 acres, more or less, of land.

(Continued from the April 27, 2015, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied to rezone 151.36 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District.

Staff recommended to continue Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the May 26, 2015, Planning Commission meeting.

Discussion followed.

Moved by Hall and seconded by Landers to continue Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the May 26, 2015, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

18. REZONE / RZ 15-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-03: Mitch Morris. To rezone 424.42 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4; NE1/4SW1/4; NW1/4SW1/4; NW1/4SE1/4; SW1/4SW1/4, SW1/4SE1/4; SE1/4 SE1/4; NE1/4SE1/4; SE1/4NE1/4 in Section 33 and Lot 2 of the SW1/4NW1/4 and Lot 2 of the W1/2SW1/4 in Section 34, all located in T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the April 27, 2015, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied to rezone 424.42 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District.

Staff recommended denial of Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03.

Discussion followed.

Moved by Coleman and seconded by Hall to deny without prejudice Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03.

All voting aye, the Motion carried 5 to 0.

19. TELECOMMUNICATIONS FACILITY PERMIT / TC 15-01: Cellular Inc./Network Corp. d/b/a Verizon Wireless; Brian Kabat-Buell Consulting – Agent. To allow a 190 foot stealth monopine pole and equipment shelter in a General Commercial District in accordance with Section 316 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a 190 foot stealth monopine pole and equipment shelter in a General Commercial District.

Staff recommended approval of Telecommunications Facilities Permit / TC 15-01 with the following ten (10) conditions:

1. That a Building Permit(s) is obtained for the installation of the monopine pole and equipment building to be reviewed and approved by the Planning Director;
2. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the monopine pole and equipment building;
3. That the address be properly posted in accordance with Ordinance #20;
4. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet, graveled and be maintained in a dust free manner;
5. That emergency radio communication equipment be allowed on the monopine pole, as long as it does not interfere with the applicant's broadcast equipment;
6. That the approach currently used to access the property be continually used to gain access to the Telecommunications Facility (monopine pole);

7. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property, or a Setback Variance be obtained;
8. That the monopine pole be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas”;
9. That the land owner signs the Statement of Understanding within seven (7) business days of approval of Telecommunications Facilities Permit 15-01, which is available at the Planning Office; and,
10. That this Telecommunication Facilities Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Hall and seconded by McCollam to continue Telecommunications Facilities Permit / TC 15-01 to the June 8, 2015, Planning Commission meeting in order for the applicant to contact the US Forest Service to see if a site is available on their subject property.

SUBSTITUTE MOTION: Moved by Hall and seconded by McCollam to continue Telecommunications Facilities Permit / TC 15-01 to the July 13, 2015, Planning Commission meeting in order for the applicant to contact the US Forest Service to see if a site is available on their subject property.

All voting aye, the Motion carried 5 to 0.

Planning Commission recessed at 10:58 a.m.

Planning Commission reconvened at 11:08 a.m.

20. CONSTRUCTION PERMIT (ROAD DISTRICT) / CP 15-08: Dan and Nancy Evangelisto (Summer Creek Road District). To install a culvert and water line on the north end of Summer Creek Drive, improve portions of Siskin Loop and Carbon Loop and grade and maintain other existing roads within the District.

Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the April 13, 2015, Planning Commission meeting.)

Molitor reviewed that this item was continued from the April 13, 2015, Planning Commission meeting in order for staff to meet with the applicants and address concerns of the Planning Commission, staff, and neighboring property owners.

Staff recommended approval of Construction Permit / CP 15-08 with the following fourteen (14) conditions:

1. That a Construction within a Section Line Right-of-Way Permit be approved by the Pennington County Board of Commissioners for a portion of Siskin Loop within 60 days of approval of Construction Permit #15-08;
2. That the applicant removes the material on National Forest System lands, as required by the United States Forest Service and all ground disturbed areas located on National Forest System lands will need to be seeded with an approved seed mix;
3. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities within seven (7) days of approval of this Permit;
4. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
5. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
6. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
7. That any monuments establishing property boundaries be replaced as necessary;
8. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
9. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
10. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
11. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;
12. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;

13. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval; and,
14. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed.

Moved by Landers to continue Construction Permit 15-08 to the May 26, 2015, Planning Commission meeting and have a mediated session with Commissioner George Ferebee. Motion died for lack of a second.

Moved by Coleman and seconded by McCollam to approve of Construction Permit / CP 15-08 with the following fourteen (14) conditions:

- 1. That a Construction within a Section Line Right-of-Way Permit be approved by the Pennington County Board of Commissioners for a portion of Siskin Loop within 60 days of approval of Construction Permit #15-08;**
- 2. That the applicant removes the material on National Forest System lands, as required by the United States Forest Service and all ground disturbed areas located on National Forest System lands will need to be seeded with an approved seed mix;**
- 3. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities within seven (7) days of approval of this Permit;**
- 4. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 5. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 6. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 7. That any monuments establishing property boundaries be replaced as necessary;**

8. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
9. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
10. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
11. That an approved South Dakota Department of Transportation Highway Access Permit be obtained prior to construction of the approach off of Highway 385;
12. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
13. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval; and,
14. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

All voting, the Motion carried 4 to 1. Commissioners Coleman, Zvejnieks, Hall, and McCollam voted yes. Commissioner Landers voted no.

21. CONSTRUCTION PERMIT / CP 15-09: Dan and Nancy Evangelisto (Summer Creek Inn). To grade and level an area of a hillside (Lots 10, 11, 12, 13 and 15) in order to construct a building (Lots 10 and 12); to stockpile material at other locations (Lot 27) between (Lots 34 and 35) of the property; and to level and grade an area for an overflow parking lot (Lot 45).

Lots 10, 11, 12, 13 and 15; Lot 27, Lots 34 and 35, and Lot 45 of Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

(Continued from the April 13, 2015, Planning Commission meeting.)

Molitor reviewed that this item was continued from the April 13, 2015, Planning Commission meeting in order for staff to meet with the applicants and address concerns of the Planning Commission, staff, and neighboring property owners.

If the Planning Commission approves Construction Permit / CP 15-09, staff recommends the following twelve (12) conditions:

1. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water

Discharges Associated with Construction Activities within seven (7) days of approval of this Permit;

2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That a revised Construction Permit application and Site Plan be submitted for review and approval, if major revisions to the original plan are needed;
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. That any monuments establishing property boundaries be replaced as necessary;
7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
8. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
10. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
11. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval; and,
12. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

Discussion followed

Moved by Landers and seconded by Coleman to approve Construction Permit / CP 15-09, and to include an additional condition to require a bond to be posted, with the following thirteen (13) conditions:

1. That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities within seven (7) days of approval of this Permit;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That a revised Construction Permit application and Site Plan be submitted for review and approval, if major revisions to the original plan are needed;
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. That any monuments establishing property boundaries be replaced as necessary;
7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
8. That stormwater flows do not increase from the construction activity that will impact neighboring properties;
9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
10. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
11. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval;
12. That the applicants post a performance bond for any control measures, stabilization, or other work proposed in the applicant's Site Plan or SWPPP; and,
13. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Planning Commission or the Board of Commissioners to verify that all conditions of approval are being met.

All voting aye, the Motion carried 5 to 0.

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 27, 2015, Planning Commission meeting.

23. ITEMS FROM THE PUBLIC

There were no items from the public.

24. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for April 2014.
- B. Appeal of Conditional Use Permit 15-04 - Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick – Agent. Conover stated this item was approved at the May 5, 2015, Board of Commissioners' meeting.
- C. Vacation Home Rental Committee Update. Conover provided a brief description of items reviewed at the last meeting and also requested that a Planning Commission member be at the next scheduled VHR meeting on May 21st from 2 p.m. to 5 p.m. in the Planning Department.

25. ITEMS FROM THE MEMBERSHIP

Commissioner Landers spoke of HB 1106 and HB 1201.

26. ADJOURNMENT

Moved by Coleman and seconded by McCollam to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 12:32 p.m.

Sig Zvejnieks, Chairperson