

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 22, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JUNE 8, 2015, MINUTES
Moved by McCollam and seconded by Litzen to approve the minutes of the June 8, 2015, Planning Commission Meeting. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by Hall and seconded by McCollam to approve the Agenda of the June 22, 2015, Planning Commission Meeting and Item #15 will be continued to the July 13, 2015, meeting. Vote: unanimous (7 to 0).

Moved by Landers and seconded by Hall to approve the Consent Calendar of the June 22, 2015, Planning Commission Meeting, with the removal of Item #7. 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 09-25:** Steve Hobart. To review a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2SW1/4NE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 09-25 to the July 13, 2015, Planning Commission meeting.

Vote: unanimous (7 to 0).

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.

(Continued from the June 8, 2015, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 01-01 with the following eighteen (18) conditions:

1. That the mobile home park is limited to a total of fourteen (14) mobile home lots and one (1) caretaker's residence;
2. That two (2) graveled parking spaces be provided for each mobile home lot, an additional parking space for guests, (one for every four mobile homes located in the mobile home park);
3. That a Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated 100-year flood plain;
4. That at the time of Building Permit application, the applicant indicate alternative locations for a second drainfield and adequate space for accessory structures on the site plan for each lot;
5. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
6. That it be recommended that individual water meters be supplied for each new mobile home, or replacement of existing mobile homes;
7. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
8. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
9. That the interior roads be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and roads be maintained in a dust free manner;

10. That all structures be located a minimum of ten (10) feet from interior access roads within the mobile home park and there be a minimum of twenty (20) feet between living units;
11. That the mobile home park have a rear yard and side yard setback of not less than ten (10) feet;
12. That the mobile home park have a management office and such service buildings as necessary, located on the property;
13. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
14. That the mobile home park has one (1) common address that shall be posted on the management office and that each home in the park shall be individually labeled with its own unit number or letter. The unit numbers shall be posted on the homes so that they are clearly visible from the main access road;
15. At such time the mobile homes on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District;
16. That the applicant may be allowed to refurbish one (1) mobile home at a time on site in order to replace existing mobile homes on site;
17. That the applicant sign a Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #01-01, which is available at the Planning Office; and,
18. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

5. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

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

To recommend approval of the extension of Planned Unit Development / PU 06-07 with the following twenty (20) conditions:

- 1 That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;**
- 2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);**
- 3 That upon removal of the camper from Lot 127, a camper not be allowed to replace it, and any future homes moved onto the property shall be in compliance with Condition #2;**
- 4. That the mobile homes shall have a minimum twenty (20) foot separation between living spaces;**
- 5. That decks and/or porches be allowed with a Building Permit as accessory structures to each mobile home;**
- 6. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;**
- 7. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;**
- 8. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and be maintained in such a manner that no dust will result from continuous use;**
- 9. That 13 visitor parking spaces are provided. Each space must measure a minimum of nine (9) feet by eighteen (18) feet, be surfaced in gravel, concrete or asphalt and be maintained in a dust free manner;**
- 10. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;**
- 11. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;**
- 12. That the mobile home park continue to be provided with an on-site management office;**

13. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305 of Pennington County's Zoning Ordinance;
14. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
15. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Floodplain Development Permit shall be obtained for any work within the 100-year floodplain;
16. That the storage units be used exclusively for storage and not retail business activities;
17. That each unit has an individual address that must be posted so it is clearly visible in accordance with Pennington County's Ordinance #20;
18. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
19. That the first 100 feet off of Sturgis Road be continually hard surfaced; and,
20. That this PUD be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

6. **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 May 11, 2015, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 08-45 to the August 10, 2015, Planning Commission meeting.

Vote: unanimous (7 to 0).

8. **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 May 11, 2015, Planning Commission meeting.)

To end the extension of Planned Unit Development / PU 02-04.

Vote: unanimous (7 to 0).

9. **CONDITIONAL USE PERMIT / CU 15-12:** Rolland and Laura Willard; Davis Engineering - Agent. To allow a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT W1/2SE1/4 and PT SE1/4SE1/4 E of Hwy Less Forest View Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 15-12 with the following six (6) conditions:

1. **That the applicant signs a "Ranch Hand's Statement" verifying he is directly engaged in the operation of the farm or ranch located on the property;**
2. **That the residence 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;**
3. **That separate addresses be assigned for the ranch hand's residence and that they be posted both at the approach on West Highway 44 and on the individual structures, in accordance with Pennington County's Ordinance #20;**
4. **That at an easement is created for the shared driveway through BALANCE OF LOT 5 OF SW $\frac{1}{4}$ SW $\frac{1}{4}$ and filed with the Register of Deed's within 90 days of approval of Conditional Use Permit #15-12;**

5. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-12, which is available at the Planning Office; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

10. **MINOR PLAT / PL 15-14:** David and Sela Nagelhout; Fisk Land Surveying – Agent. To reconfigure lot lines to create Lots 7R and 9R of Deerfield Park Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 7, 8, and 9, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 7R and 9R, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / PL 15-14 with the following three (3) conditions:

1. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of addresses are meeting Pennington County Ordinance #20 standards and an approved Building Permit is obtained for the 16.3' x 12.3' shed located on Lot 9 (Proposed Lot 9R);
2. That any additions to existing structures on Lot 7R and Lot 9R will require a new assessment of the existing On-site Wastewater Treatment Systems, including new percolation tests and profile hole information and all rules of Pennington County Zoning Ordinance 204-J must be met; and,
3. That the property owners sign Statements of Understanding within seven (7) business days of approval for Minor Plat / PL 15-14.

Vote: unanimous (7 to 0).

11. **CONDITIONAL USE PERMIT REVIEW / CU 13-11:** Sugar Daddy's / Kerri Johnston. To review an RV site on the subject property to be utilized on a part-time basis (weekends) in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot A of SE1/4SW1/4, Section 7, T2N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 13-11 to the July 13, 2015, Planning Commission meeting.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

7. CONDITIONAL USE PERMIT REVIEW / CU 12-09: Wood Stock Supply, Inc. – Owner. To review a temporary permit for retail sales of Class C fireworks in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

Staff asked that this item be removed from the Consent Calendar to note staff will be recommending to end Conditional Use Permit / CU 12-09 instead of recommending approval of the extension of the Conditional Use Permit. As the use for the Conditional Use Permit has ceased for a period of one year or more.

Discussion followed.

Moved by Hall and seconded by McCollam to revoke Conditional Use Permit / CU 12-09.

All voting aye, the Motion carried 7 to 0.

12. CONSTRUCTION PERMIT / CP 15-10: Cross Country Real Estate, LLC (BH Speedway). To grade areas of the property and level stockpiles on the subject property.

Unplatted Portion of S1/2SW1/4NW1/4; Pt of NW1/4SW1/4 N and E Of Hwy ROW Less That Pt Within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to grade areas of the property and level stockpiles on the subject property.

Staff recommended to continue Construction Permit / CP 15-10 until an engineering / drainage study shows the construction activity will not impact the upstream or downstream properties and a plan is developed with Weed and Pest to address the prairie dogs.

If the Planning Commission approves Construction Permit / CP 15-10, staff recommends the following thirteen (13) conditions:

1. That the applicant submit stamped engineered construction plans and drainage study showing that the construction activity will not impact upstream or downstream properties within fourteen (14) days of approval of this Permit and prior to commencement of any construction activity;
2. That the Conditions of Approval of the Air Quality Permit be continually met;
3. That the applicant provides the Planning Department with a copy of the Storm Water Pollution Prevention Plan 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 a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;
7. 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;
8. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
9. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
10. That the site shall be re-vegetated as required in Section 507-A(5)(c).
11. That the applicant control the noxious weed and prairie dogs prior to commencement of the construction activity and sign a noxious weed plan and submit to the Planning Department within seven (7) days of approval of this Permit;
12. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Construction Permit #15-10, which is available at the Planning Office; and,
13. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission

and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and seconded by Hadcock to approve of Construction Permit / CP 15-10 with following thirteen (13) conditions:

- 1. That the applicant submit stamped engineered construction plans and drainage study showing that the construction activity will not impact upstream or downstream properties within fourteen (14) days of approval of this Permit and prior to commencement of any construction activity;**
- 2. That the Conditions of Approval of the Air Quality Permit be continually met;**
- 3. That the applicant provides the Planning Department with a copy of the Storm Water Pollution Prevention Plan 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 a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;**
- 7. 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;**
- 8. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;**
- 9. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;**
- 10. That the site shall be re-vegetated as required in Section 507-A(5)(c);**

11. That the applicant control the noxious weed and prairie dogs prior to commencement of the construction activity and sign a noxious weed plan and submit to the Planning Department within seven (7) days of approval of this Permit;
12. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Construction Permit #15-10, which is available at the Planning Office; and,
13. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

13. REZONE / RZ 15-08 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-08: Mitch Morris. To rezone 30.49 acres from General Agriculture District and 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 30.49 acres of land located in the N1/2 NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 30.49 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 northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South 89°51'35" East, along the north line of the NW1/4 of Section 33, a distance of 2656.84 feet to the northeast corner of the NW1/4 of Section 33; Thence, South 00°08'05" West, along the east line of the NW1/4 of Section 33, a distance of 500.00 feet to a point for corner; Thence, North 89°51'35" West, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the west line of the NW1/4 of Section 33; Thence, North 00°04'45" East, a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.49 acres, more or less, of land.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 30.49 acres from General Agriculture District and 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.

Conover further stated the applicant has stockpiled used asphalt from an old road project on the subject property and has plans to crush and mill it in the future. The applicant will need to obtain an approved Crushing Permit from the SD DENR before he can move forward with the applications.

Staff recommended to continue Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08 to the July 13, 2015, Planning Commission meeting in order for the applicant to obtain approved permits with SD DENR.

Moved by Landers and seconded by Hall to continue Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08 to the July 13, 2015, Planning Commission meeting in order for the applicant to obtain approved permits with SD DENR.

All voting aye, the Motion carried 7 to 0.

14. THE PENNINGTON COUNTY COMPREHENSIVE PLAN and POSSIBLE MOTION OF SUPPORT.

Conover discussed the current Pennington County Comprehensive Plan and a letter of support from the Pennington County Planning Commission.

Discussion followed.

Moved by Litzen and seconded by Hall to review the Comprehensive Plan at each scheduled Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

15. DISCUSSION OF ROAD NAMING ORDINANCE, ROAD SIGN ORDINANCE, AND ORDINANCE #20.

(This item will be heard at the July 13, 2015, Planning Commission meeting.)

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 8, 2015, Planning Commission meeting.

17. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

- A. 2015 SD Planner's Conference. Conover informed the Planning Commission that the SD Planner's Conference will be held at the end of October in Mitchell.
- B. Planning Department. Conover informed the Planning Commission that Colin Hensley, Planner I, submitted his notice.

19. ITEMS FROM THE MEMBERSHIP

Commissioner Landers discussed Road Districts.

20. ADJOURNMENT

Moved by Hall and seconded by Litzen to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:55 a.m.

Sig Zvejnieks, Chairperson