

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**August 24, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, Lori Litzen, Jim Coleman, Barbara Landers, and Nancy Trautman.

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

ROLL CALL

1. APPROVAL OF THE AUGUST 10, 2015, MINUTES  
Moved by Zvejnieks and seconded by Litzen to approve the minutes of the August 10, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA  
Moved by Trautman and seconded by Svejnieks to approve the Agenda of the August 24, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).

Moved by Landers and seconded by Litzen to approve the Consent Calendar of the August 24, 2015, Planning Commission Meeting, with the removal of Items #4, #5, #6 and #9. Vote: unanimous (6 to 0).

**CONSENT CALENDAR**

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

3. CONDITIONAL USE PERMIT / CU 15-16: Nick Hobart. To allow for a guest house on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the August 10, 2015, Planning Commission meeting.)

**To approve of Conditional Use Permit / CU 08-10 with the following six (6) conditions:**

1. That the lot address assigned for the Guest House be posted so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;
2. That the applicant file a deed restriction at the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Section 318-B-13 of the Zoning Ordinance;
3. That the Guest House be utilized and maintained in accordance with the requirements of Section 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;
4. That the existing On-Site Wastewater Treatment System be pumped and inspected and re-filled with water to check the integrity of the tank and obtain an Operating Permit prior to a Building Permit being issued;
5. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-16, 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 (6 to 0).**

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-01:** Sheri Tonner. To review a single-wide mobile home to be used as a single-family residence while constructing a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The E1/2SW1/4NE1/4; E1/2W1/2SW1/4NE1/4; W1/2W1/2SE1/4 NE1/4; S1/2SE1/4 NW1/4NE1/4; SE1/4SW1/4NW1/4NE1/4; SW1/4SW1/4NE1/4 NE1/4, Section 16, T1S, R7E, BHM, Pennington County, South Dakota

**To continue Conditional Use Permit / CU 15-01 to the September 14, 2015, Planning Commission Meeting.**

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

8. **CONDITIONAL USE PERMIT / CU 15-17:** Charles Ray. To allow for a family cemetery on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Parcel E in S1/2NW1/4, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

**To approve of Conditional Use Permit / CU 15-17 with the following four (4) conditions:**

- 1 That the cemetery conforms to all regulations in Section 307 of the Pennington County Zoning Ordinance;**
- 2. That the cemetery is for cremated remains only and the applicant complies with South Dakota Codified Law 34-27, which regulates Cemeteries and Burial Records;**
- 3. That the applicant file a location map of the family cemetery with the Register of Deeds upon approval by the Planning Commission; and,**
- 4. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission or County Board of Commissioners to verify compliance with the above-mentioned conditions of approval.**

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

#### **END OF CONSENT CALENDAR**

4. CONDITIONAL USE PERMIT REVIEW / CU 08-10: Verizon Wireless; K. W. Lindsay - Landowner. To review a 300 foot communications tower and equipment shelter in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract Lake (also in Section 28), Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Staff asked to have this item removed from the Consent Calendar for discussion.

Rausch reviewed the Staff Report indicating this is a review of a 300 foot communications tower and equipment shelter on the subject property. The applicant submitted a Building Permit to add antennas to the existing tower and Condition #4 states “That any future additions of equipment to the site or tower requires this Conditional Use Permit to be reviewed by the Pennington County Planning Department.”

Staff recommended approval of the extension of Conditional Use Permit / CU 08-10 with the following eight (8) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet and located on a permanent foundation, which include necessary site plans to be reviewed and approved by the Planning Director;
2. That the security fence continue to be maintained around the tower and equipment shelter;
3. That two (2) parking spaces on the site continue to be maintained in a dust free manner;
4. That any future additions of equipment to the site or tower require this Conditional Use Permit to be reviewed by the Pennington County Planning Department;
5. That emergency radio communication equipment be allowed on the tower, if it does not interfere with the broadcast equipment;
6. That all utilities to reach the tower need to be on private land;
7. That all natural drainage ways be maintained; and,
8. That this Conditional Use Permit be reviewed on a complaint basis or as deemed necessary by the Pennington County Planning Commission or County Board of Commissioners.

Discussion followed.

**Moved by Coleman and seconded by Zvejnieks to approve of the extension of Conditional Use Permit / CU 08-10 with the following eight (8) conditions:**

- 1. That Building Permits be obtained for any structure exceeding 144 square feet and located on a permanent foundation, which include necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That the security fence continue to be maintained around the tower and equipment shelter;**
- 3. That two (2) parking spaces on the site continue to be maintained in a dust free manner;**
- 4. That any future additions of equipment to the site or tower require this Conditional Use Permit to be reviewed by the Pennington County Planning Department;**

5. **That emergency radio communication equipment be allowed on the tower, if it does not interfere with the broadcast equipment;**
6. **That all utilities to reach the tower need to be on private land;**
7. **That all natural drainage ways be maintained; and,**
8. **That this Conditional Use Permit be reviewed on a complaint basis or as deemed necessary by the Pennington County Planning Commission or County Board of Commissioners.**

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

5. CONDITIONAL USE PERMIT REVIEW / CU 10-38: Robert Mills. To review a home occupation, an auto restoration shop, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The N1/2 Lot E of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Staff asked to have this item removed from the Consent Calendar for discussion.

Molitor reviewed the Staff Report indicating this is a review of a home occupation, an auto restoration shop, in a Suburban Residential District. Molitor further explained that staff had originally recommended approval with eleven (11) conditions and a review in one (1) year, but now are recommending approval with eleven (11) conditions and a review in three (3) years.

Discussion followed.

**Moved by Landers and seconded by Zvejnieks to approve of the extension of Conditional Use Permit / CU 10-38 with the following eleven (11) 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 applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;**
3. **That there is no more than one (1) additional employee, excluding family members;**
4. **That there is a minimum of three (3) off-street parking spaces available at all times;**

5. That all aspects of the business be conducted entirely within an enclosed structure (structure being building) and no stock in trade shall be displayed outside the enclosed structure;
6. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
7. That if the amount of waste generated from the restoration shop and disposed of in the sanitary sewer exceeds 10,000 gallons per month, Rapid Valley Sanitary District and City of Rapid City must be notified and pretreatment (i.e. sand filter) implemented prior to disposal;
8. That the address continue to be posted on the shop building in accordance with Ordinance #20;
9. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #10-38, which is available at the Planning Office;
10. That this Conditional Use Permit be reviewed in three (3) years or on a complaint basis to verify that all conditions of approval are being met, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met; and,
11. That historic auto restoration be defined as working on motor vehicles 20 years or older.

All voting aye, the Motion carried 6 to 0.

6. CONDITIONAL USE PERMIT REVIEW / CU 13-16: Larry Teuber. To review a Guest House in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 2R2, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

Staff asked to have this item removed from the Consent Calendar for discussion.

Rausch reviewed the Staff Reporting indicating this is a review of a Guest House in a Limited Agriculture District. Rausch further explained that staff had originally recommended approval of the extension of Conditional Use Permit / CU 13-16 with four (4) conditions, but now are recommending this item be continued to the September 28<sup>th</sup> Planning Commission meeting in order for the applicant to meet Condition #2: "That the applicant file a deed restriction at the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or

leased from the main residence, in accordance with Section 318-B-13 of the Zoning Ordinance.”

Discussion followed.

**Moved by Zvejnieks and seconded by Coleman to continue the review of Conditional Use Permit / CU 13-16 to the September 28, 2015, Planning Commission meeting.**

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

9. REZONE / RZ 15-09 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-09: Rodney Alexander; Renner & Associates – Agent. To rezone 7.615 acres from Highway Service District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Highway Service District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds descriptions: Commencing at the northwesterly corner of the Tin City Lode, M.S. 2504, located in Section 22, T2S, R4E, BHM, common to a corner on the southerly boundary of Lot 1 of the NW1/4 of the NE1/4 of Section 22, T2S, R4E, BHM, and the point of beginning; Thence, first course: S 76°20'56" E, along the northerly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 299.56 feet, to the northeasterly corner said Tin City Lode; Thence, second course: S 13°46'22" W, along the easterly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 613.03 feet, to a corner on the southerly boundary of said Lot 1, common to a corner on the northerly boundary of Lot 2 of the W1/2 of the NE1/4 of Section 22, T2S, R4E, BHM; Thence, third course: S 13°39'24" W, along the easterly boundary of said Tin City Lode, common to the northerly boundary of said Lot 2, a distance of 392.89 feet; Thence, fourth course: S 45°00'00" W, a distance of 122.46 feet; Thence, fifth course: S 90°00'00" W, a distance of 134.00 feet; Thence, sixth course: N 48°00'00" W, a distance of 120.00 feet, to a point on the westerly boundary of said Tin City Lode, common to a point on the northerly boundary of said Lot 2; Thence, seventh course: N 13°40'34" E, along the westerly boundary of said Tin City Lode, common to the northerly boundary of said Lot 2, a distance of 744.97 feet, to a corner on the northerly boundary of said Lot 2, common to a corner on the southerly boundary of said Lot 1; Thence, eighth course: N 13°49'06" E along the westerly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 340.17 feet, to the point of beginning. Said parcel contains 7.615 acres, more or less.

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

Staff asked to have this item removed from the Consent Calendar for discussion.

Molitor explained that staff had originally recommended to continue Rezone / RZ 15-09 and Comprehensive Plan Amendment / CA 15-09 to the September 14, 2015, Planning Commission meeting, but staff is now recommending to continue to the September 28, 2015, Planning Commission meeting in order for the applications to be readvertised.

Discussion followed.

**Moved by Coleman and seconded by Zvejnieks to continue Rezone / RZ 15-09 and Comprehensive Plan Amendment / CA 15-09 to the September 28, 2015, Planning Commission meeting, in order for the applications to be readvertised.**

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

10. CONSTRUCTION PERMIT / CP 15-13: Davis Engineering / Ron Davis. To develop 38 lots in the Murphy Ranch Estates Subdivision. The construction work includes mass grading, sewer and water line installation, curb and gutter, and pavement installation.

Balance of Tract A, Lot 11 of Block 12; Lot 14 of Block 3; Lot 1 of Block 13; Lot 6 of Block 11, all located in Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County.

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to develop 38 lots in the Murphy Ranch Estates Subdivision.

Staff recommended approval of Construction Permit / CP 15-13, which includes construction associated with Phase 5a only, with the following eleven (11) conditions:

1. That a Notice of Intent (NOI) be submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities if the disturbance exceeds one (1) acre;
2. That a revised Construction Permit application and Site Plan be submitted for review and approval, if major revisions to the original plan are needed;
3. 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;
4. That any monuments establishing property boundaries be replaced as necessary;
5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;



6. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
7. That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
8. That the Conditions of Approval of the Air Quality Permit be continually met;
9. That approval of this Construction Permit does not constitute approval of any future applications or meets conditions of any future requests submitted for the above-described properties;
10. That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval, which is available at the Planning Office; and,
11. 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 Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Zvejnieks and seconded by Coleman to approve of Construction Permit / CP 15-13, which includes construction associated with Phase 5a only, with the following eleven (11) conditions:**

- 1. That a Notice of Intent (NOI) be submitted to the South Dakota Department of Environment and Natural Resources for General Permit for Storm Water Discharges Associated with Construction Activities if the disturbance exceeds one (1) acre;**
- 2. That a revised Construction Permit application and Site Plan be submitted for review and approval, if major revisions to the original plan are needed;**
- 3. 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;**
- 4. That any monuments establishing property boundaries be replaced as necessary;**
- 5. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;**

6. **That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;**
7. **That the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;**
8. **That the Conditions of Approval of the Air Quality Permit be continually met;**
9. **That approval of this Construction Permit does not constitute approval of any future applications or meets conditions of any future requests submitted for the above-described properties;**
10. **That the applicant sign a Statement of Understanding within seven (7) days of Construction Permit approval, which is available at the Planning Office; and,**
11. **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 Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.**

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

11. VACATION OF PLAT / PL 15-01: Martin or Shirley Printz. To vacate Lot A in the NE1/4NW1/4 of Section 33, T2N, R12E.

EXISTING LEGAL: Lot A in the NE1/4NW1/4, Section 33, T2N, R12E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: All of Section 33 less right-of-way, T2N, R12E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to vacate the plat of Lot A in the NE1/4NW1/4 of Section 33, T2N, R12E.

Staff recommended approval of Vacation of Plat / VP 15-01 with the following three (3) conditions:

1. That, prior to filing with the Register of Deeds, the applicant obtain the necessary Building Permits for the grain silos on the subject property;
2. That, prior to filing with the Register of Deeds, the applicant either remove two of the three existing approaches or obtain approval from the Board of Commissioners to allow more than one approach on the property; and,

- 3 That a Statement of Understanding be signed, within seven (7) business days of VP 15-01 being approved.

Conover further explained that the applicants have applied for the Building Permits for the grain silos, so Condition #1 of the Conditions of Approval can be removed.

Discussion followed.

**Moved by Zvejnieks and seconded by Litzten to approve of Vacation of Plat / VP 15-01 with the following two (2) conditions:**

1. **That, prior to filing with the Register of Deeds, the applicant either remove two of the three existing approaches or obtain approval from the Board of Commissioners to allow more than one approach on the property; and,**
2. **That a Statement of Understanding be signed, within seven (7) business days of VP 15-01 being approved.**

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

12. CONDITIONAL USE PERMIT / CU 15-18: Rapid Valley United Methodist Church; Doug Nix – Agent. To illuminate an existing on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot A in NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to illuminate an existing on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Limited Agriculture District.

Staff recommended to continue Conditional Use Permit / CU 15-18 to the September 14, 2015, Planning Commission meeting in order for staff to perform additional research.

Discussion followed.

**Moved by Landers and seconded by Litzten to continue Conditional Use Permit / CU 15-18 to the September 14, 2015, Planning Commission meeting in order for staff to perform additional research.**

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

13. CONDITIONAL USE PERMIT / CU 15-19: Mitch Morris. To allow for an existing double-wide manufactured home to be used as a single-family residence in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

The E1/2E1/2; Lot 1 of NW1/4NE1/4; Lot 1 of SW1/4NE1/4; Lot 1 of SW1/4SE1/4; E1/2 of Lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for an existing double-wide manufactured home to be used as a single-family residence in a General Commercial District.

Conover stated the Conditional Use Permit is now not required by the applicant and a motion is not required.

Discussion followed.

14. PENNINGTON COUNTY COMPREHENSIVE PLAN

Members of the Planning Commission, Planning staff, and members of the public discussed the formation of a study group to study the Comprehensive Plan.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 18, 2015, Planning Commission meeting.

Telecommunications Facility Permit / TC 15-01 (Cellular Inc./Network Corp. d/b/a Verizon Wireless; Brian Kabat - Buell Consulting – Agent). The applicants withdrew their appeal and this item was not heard at the August 18, 2015, Board of Commissioners' meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this item.

17. ITEMS FROM THE STAFF

- A. Planner I and Ordinance Officer Positions. Conover informed the Planning Commission that staff is reviewing the applications received.
- B. VH Rental Committee. Conover stated the committee recently met and the next scheduled meeting will be held on Thursday, September 10<sup>th</sup> at 2 p.m.

18. ITEMS FROM THE MEMBERSHIP

Commission Litzen will not be attendance for the September 14<sup>th</sup> Planning Commission meeting.

19. ADJOURNMENT

**Moved by Litzen and seconded by Zvejnieks to adjourn.**

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

**The meeting adjourned at 9:51 a.m.**

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Karen Hall, Chairperson