

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**December 21, 2015 @ 1:00 p.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE DECEMBER 7, 2015, MINUTES  
**Moved by Litzen and seconded by Landers to approve the minutes of the December 7, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).**

2. APPROVAL OF THE AGENDA  
**Moved by Zvejnieks and seconded by Litzen to approve the Agenda of the December 21, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).**

**Moved by McCollam and seconded by Zvejnieks to approve the Consent Calendar of the December 21, 2015, Planning Commission Meeting, with the removal of Item #4. 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 15-37:** Peaceful Valley Hideaway, LLC; Arlyn Dyce – Agent. To allow for a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota.

**To continue Conditional Use Permit / CU 15-37 to the January 11, 2016, Planning Commission meeting.**

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

5. **CONSTRUCTION PERMIT / CP 15-18:** Dennis Zandstra Real Estate Holdings; Steve Zandstra. To place fill in an area south of the Project Area on the subject property; in conjunction with the Grading Plan for Elks Country Estates, Phase IV-VIII (City of Rapid City).

NW1/4 LESS N1/2N1/2NE1/4NW1/4; W1/2NE1/4 LESS N1/2N1/2NW1/4NE1/4; W1/2SW1/4 LESS ROW, Section 21, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 15-18 with the following nine (9) conditions:**

1. **That a Notice of Intent (NOI) is submitted to the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities within thirty (30) days of approval of CP 15-18 and 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;**
2. **That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
3. **That an Air Quality Permit be obtained from the City of Rapid City within thirty (30) days of approval of CP 15-18;**
4. **That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;**
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 the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
7. **That a temporary address be assigned and posted on site in accordance with Pennington County Ordinance #20 so that it is visible from E. Minnesota Street;**

8. **That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,**
9. **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.**

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

## **END OF CONSENT CALENDAR**

4. CONSTRUCTION PERMIT / CP 15-17: Croell Redi-Mix, Inc. To continue operating the active Perli Quarry as a rock quarry and to expand the current area of disturbance.

S1/2NE1/4; SE1/4NW1/4; that Pt of NE1/4SW1/4 lying N of Hwy 16; that Pt of SE1/4 lying N of Hwy 16, Section 9; and that Pt of S1/2NW1/4 lying W of Hwy 16; that Pt of SW1/4 lying N and W of Hwy 16, Section 10, all located in T1S, R7E, BHM, Pennington County, South Dakota.

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

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to continue operating the active Perli Quarry as a rock quarry and to expand the current area of disturbance.

Staff recommended approval of Construction Permit / CP 15-17 with the following eleven (11) conditions:

1. That a South Dakota Department of Environment and Natural Resources Mining & Minerals Permit and Mine License be obtained by the applicant within thirty (30) days of approval of Construction Permit / CP 15-17 and that the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permit be continually met;
2. That the applicant submit a copy of the Mine License to the Planning Department and copies of any annual Mine License Reports;
3. That a South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water Discharge System For Nonmetallic Mineral Processing Plants in South Dakota be obtained by the applicant within thirty (30) days of approval of Construction Permit / CP 15-17 and that the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit to Operate Under the Air Quality Operating Permit Program and Surface Water

Discharge System For Nonmetallic Mineral Processing Plants in South Dakota be continually met;

4. That any natural drainage ways and paths be continually maintained;
5. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed;
6. That self-contained toilets be maintained on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations. The method and schedule of disposal of the solid waste must be in compliance with State and local rules and regulations;
7. That the applicant sign a Noxious Weed Plan and submit to the Planning Department within ten (10) business days of approval of this Permit;
8. That a Building Permit be obtained within ten (10) business days of approval of this Permit for the 14' x 18' structure located on the S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>; SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>; that Pt of NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> lying N of Hwy 16; that Pt of SE<sup>1</sup>/<sub>4</sub> lying N of Hwy 16 and pay any applicable fees associated with the Building Permit;
9. That the site shall be re-vegetated as required in Section 507-A(5)(c);
10. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval which is available at the Planning Office; and,
11. 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 the Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

**Moved by Landers and seconded by Zvejnieks to continue Construction Permit / CP 15-17 to the February 8, 2016, Planning Commission meeting.**

Discussion further followed.

**All voting, the Motion carried 5 to 1. Commissioners Hall, Zvejnieks, McCollam, Landers, and Petersen voted yes. Commissioner Litzen voted no.**

6. REZONE / RZ 15-15: Troy and Lisa Eisenbraun. To rezone 3.20 acres from General Agriculture District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A Parcel of land being described for Rezone from General Agriculture to Low Density Residential, located in the Southwest Quarter of the Northeast Quarter (SW<sup>1</sup>/<sub>4</sub> – NE<sup>1</sup>/<sub>4</sub>)

less the East 54.4 feet of Section 26, Township One North (T1N), Range Eight East (R8E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel being common with the southwesterly corner of the Mondo Street right-of-way as shown in Plat Book 34, Page 104, at the Pennington County Register of Deeds Office, which is marked by a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371", said Parcel is more particularly described as follows: THENCE FIRST COURSE: along said east 54.4 feet line of the SW ¼ of the NE 1/4 with a bearing of S00°04'51"W and a distance of 382.83 feet to the southeasterly corner of said parcel; THENCE SECOND COURSE: along a line with a bearing of N89°51'55"W and a distance of 450.00 feet to the southwesterly corner of said parcel; THENCE THIRD COURSE: along a line with a bearing of N00°04'51"E and a distance of 290.40 feet; THENCE FOURTH COURSE: along a line with a bearing of S89°51'55"E and a distance of 355.65 feet; THENCE FIFTH COURSE: along said a line with a bearing of N00°04'51"E and a distance of 92.34 feet; THENCE SIXTH COURSE: along a line with a bearing of S89°55'09"E and a distance of 94.35 feet to the Point of Beginning. Basis of Bearings established by GPS observation (WGS84.) Said Parcel of Land Contains 3.20 acres, more or less; located off of Mondo Street, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, in accordance with Section 508 of the Pennington County Zoning Ordinance.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 3.20 acres from General Agriculture District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 15-15.

Discussion followed.

**Moved by Zvejnieks and seconded by Petersen to approve of Rezone / RZ 15-15.**

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

7. MINOR PLAT / PL 15-28 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-16: Donald Karras. To reconfigure lot lines to create Lot AR-1 and Lot BR of Lot 2 Revised of Block 2 of Thovson Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot AR and Lot B of Lot 2 Revised (Also in Section 20) of Block 2 of Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot AR-1 and Lot BR of Lot 2 Revised (Also in Section 20) of Block 2 of Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to reconfigure lot lines to create Lot AR-1 and Lot BR of Lot 2 Revised (Also in Section

20) of Block 2 of Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Staff recommended approval of Subdivision Regulations Variance / SV 15-16 and approval of Minor Plat / PL 15-28 with the following ten (10) conditions:

1. That prior to recording the Plat with the Register of Deeds, the portion of Lot BR being subdivided for purposes of PL 15-28 be rezoned to Limited Agriculture District;
2. That prior to recording the Plat with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and the word “Equqlization” be corrected to the proper spelling;
3. That prior to recording the Plat with the Register of Deeds, the applicant sign a Memorandum of Understanding to ascertain that within 120 days of Minor Plat / MP 15-28 Approval, the existing Pole Barn on Proposed Lot AR-1 will either be removed from the property or properly permitted with applicable fees;
4. That prior to recording the Plat with the Register of Deeds, the applicant include an eight (8) foot Minor Drainage and Utility Easement on the Interior of all lot lines, or a Subdivision Regulations Variance be obtained;
5. That prior to recording the Plat with the Register of Deeds, the applicant improve the Section Line Right-of-Way to County Standards or a Subdivision Regulations Variance be obtained;
6. That prior to recording the Plat with the Register of Deeds, the applicant submit engineered road construction plans for the improvements to the Section Line Right of Way, or a Subdivision Regulations Variance be obtained;
7. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the addition of a septic system on proposed Lot AR-1 be pumped and/or inspected prior to use;
9. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described properties; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-28, which is available at the Planning Office.

Discussion followed.

**Moved by Zvejnieks and seconded by Litzen to approve of Subdivision Regulations Variance/ SV 15-16 to wave submittal of: (1.) To not include an eight (8) foot Minor Drainage and Utility Easement on the interior of all lot lines; (2) To not improve the Section Line and existing Roadway; and, (3) Not to submit Engineered Road Construction Plans.**

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

**Moved by Litzen and seconded by Landers to approve of Minor Plat / PL 15-28 with the following ten (10) conditions:**

- 1. That prior to recording the Plat with the Register of Deeds, the portion of Lot BR being subdivided for purposes of PL 15-28 be rezoned to Limited Agriculture District;**
- 2. That prior to recording the Plat with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and the word “Equqlization” be corrected to the proper spelling;**
- 3. That prior to recording the Plat with the Register of Deeds, the applicant sign a Memorandum of Understanding to ascertain that within 120 days of Minor Plat / MP 15-28 Approval, the existing Pole Barn on Proposed Lot AR-1 will either be removed from the property or properly permitted with applicable fees;**
- 4. That prior to recording the Plat with the Register of Deeds, the applicant include an eight (8) foot Minor Drainage and Utility Easement on the Interior of all lot lines, or a Subdivision Regulations Variance be obtained;**
- 5. That prior to recording the Plat with the Register of Deeds, the applicant improve the Section Line Right-of-Way to County Standards or a Subdivision Regulations Variance be obtained;**
- 6. That prior to recording the Plat with the Register of Deeds, the applicant submit engineered road construction plans for the improvements to the Section Line Right of Way, or a Subdivision Regulations Variance be obtained;**
- 7. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
- 8. That the addition of a septic system on proposed Lot AR-1 be pumped and/or inspected prior to use;**

9. **That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described properties; and,**
10. **That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-28, which is available at the Planning Office.**

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

8. REZONE / RZ 15-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-08: Mitch Morris. To rezone 30.49 acres from General Agriculture 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 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; Located off of S. Highway 79, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, in accordance with Section 508 of the Pennington County Zoning Ordinance.

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

Conover further explained that, with the expressed concerns, staff is seeking guidance from the Planning Commission on how to move forward with Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08.

Discussion followed.

**Moved by McCollam and seconded by Landers to approve Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08.**

**All voting, the Motion carried 5 to 1. Commissioners Zvejnieks, Litzen, McCollam, and Landers voted yes. Commissioner Hall voted no.**



9. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 7, 2015, Planning Commission meeting.

10. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

11. ITEMS FROM THE STAFF

There were no items from Staff.

12. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

13. ADJOURNMENT

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

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

**The meeting adjourned at 2:33 p.m.**

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Karen Hall, Chairperson