

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
February 8, 2016 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JANUARY 25, 2016, MINUTES  
**Moved by McCollam and seconded by Landers to approve the minutes of the January 25, 2016, Planning Commission Meeting. Vote: unanimous (5 to 0).**

2. APPROVAL OF THE AGENDA  
**Moved by McCollam and seconded by Coleman to approve the Agenda of the February 8, 2016, Planning Commission Meeting. Vote: unanimous (5 to 0).**

**Moved by Coleman and seconded by McCollam to approve the Consent Calendar of the February 8, 2016, Planning Commission Meeting. 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.

3. **CONDITIONAL USE PERMIT REVIEW / CU 97-50:** Dennis Dressen. To review a home occupation on the subject property located in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 23, Block 6, South Canyon Country Estates, Section 26 T2N, R6E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 97-50.**

**Vote: unanimous (5 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 99-40:** George Chiolis. To review a manufactured home as a ranch hand residence in a Limited Agriculture District in accordance with Section 206-C-6 of the Pennington County Zoning Ordinance.

The SE1/4 NE1/4, Section 17, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 99-40 with the following six (6) conditions:**

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That the manufactured home being used for the ranch hand residence is occupied by a person or people directly engaged in the operation of the farm or ranch located on the property;**
3. **That once the property is sold or the farm or ranch located on the property is no longer in operation, the applicant notifies the Pennington County Planning and Zoning office and the manufactured home being used for a ranch hand residence is removed;**
4. **That both addresses (3791 and 3795 S. Valley Drive) be properly posted on each residence and at the approach from S. Valley Drive, so they are visible from both directions from S. Valley Drive in accordance with Pennington County's Ordinance #20;**
5. **That the property remain free of debris and junk vehicles; and,**
6. **That this Conditional Use Permit be reviewed at the March 14, 2016, Planning Commission Meeting.**

**Vote: unanimous (5 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 13-16:** Larry Teuber. To review a Guest House in a Limited Agriculture District / Suburban Residential 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.

(Continued from the December 7, 2015, Planning Commission meeting.)

**To end Conditional Use Permit / CU 13-16 with the applicant's concurrence.**

**Vote: unanimous (5 to 0).**

6. **CONDITIONAL USE PERMIT REVIEW / CU 13-17:** Larry Teuber / School House, LLC. To review an accessory structure without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 3R, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

**To end Conditional Use Permit / CU 13-17 with the applicant's concurrence.**

**Vote: unanimous (5 to 0).**

7. **CONDITIONAL USE PERMIT REVIEW / CU 14-34:** James and Ethel Whitcher. To review a single-wide mobile home to be used as a permanent residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Less RR ROW, less Lot H1 of NE1/4, less Lot H1 of NW1/4 and less Hwy Row, Section 7, T4S, R15E, BHM, Pennington County, South Dakota.

(Continued from the January 25, 2016, Planning Commission meeting.)

**To approve of the extension of Conditional Use Permit / CU 14-34 with the following seven (7) conditions:**

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That the address continue to be properly posted on both the residence and at the approach from 185<sup>th</sup> Avenue, so it be visible in both directions in accordance with Pennington County's Ordinance #20;**
3. **That the subject property continually remains free of debris and junk vehicles;**
4. **That the mobile home installed on the property continue to have a peaked non-reflective type roof and wood or simulated wood-type siding that are continually maintained;**
5. **That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
6. **That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance; and,**

7. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

**Vote: unanimous (5 to 0).**

8. **CONDITIONAL USE PERMIT / CU 15-38:** Mark or Ann Haubrich. To live in an existing double-wide mobile home while building a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

NE1/4SE1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the January 25, 2016, Planning Commission meeting.)

**To approve of Conditional Use Permit / CU 15-38 with the following eleven (11) conditions:**

1. That within 90 days of approval of Conditional Use Permit / CU 15-38, the existing be brought into compliance;
2. That a Building Permit for a new single-family residence be obtained prior to the construction, which requires a site plan and a floor plan to be reviewed and approved by the Planning Director;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the existing double-wide mobile home be removed from the property once the single-family residence is complete and habitable and the applicant notify the Planning Department of such;
5. That the applicant obtains a Removal Permit from the Planning Department prior to the removal of the double-wide mobile home from the property;
6. That the address, 7756 Old Folsom Road, be properly posted on the new residence, once it is finished, and at the approach from Old Folsom Road so it is clearly visible from both directions of travel along Old Folsom Road in accordance with Pennington County's Ordinance #20;
7. That if the new single-family residence will generate greater wastewater flow than the existing septic system is designed to handle, either with the addition of bedrooms or a garbage disposal, the applicant will be required to either update the existing septic system or install a new septic system altogether. In which case, an approved On-site Wastewater Construction Permit will need

to be obtained from the Planning Department prior to the issuance of a Building Permit from the Pennington County Planning Department;

8. That the property remains free of debris and junk vehicles;
9. That all structures maintain proper setbacks from property lines, on-site utilities and easements or the applicant obtains the required variances;
10. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-38, which is available at the Planning Office; and,
11. That this Conditional Use Permit be reviewed at the May 9, 2016, Planning Commission Meeting.

**Vote: unanimous (5 to 0).**

9. **CONSTRUCTION PERMIT / CP 16-01:** Rushmore Forest Products; Matt Swanson – Agent. To replace two existing undersized culvert crossing on Spring Creek with precast box culverts, and to also reestablish the existing creek channel and to create channel capacity between the crossings.

Tract 1 of Tract D and Tract MC less Lot H1, Rapid City Placer MS 614, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CU 16-01 with the following nine (9) conditions:**

1. 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;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That work commencing prior to approval of the Construction Permit and Floodplain Development Permit, will require payment of penalty fees within 10 days of approval of this Construction Permit;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That the Conditions of Approval of the United States Corps of Engineers 404 Permit be continually met;

6. That Building Permits and any penalty fees, with associated Flood Plain Development Permits, be obtained for the two (2) structures (shop buildings, one with lean-to, on each of the lots) within 90 days of approval of Construction Permit / CP 16-01;
7. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
8. That the applicant sign a Statement of Understanding within seven (7) 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 or Board of Commissioners to verify that all conditions of approval are being met.

**Vote: unanimous (5 to 0).**

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

10. CONDITIONAL USE PERMIT REVIEW / CU 10-30: Janell Gibson. To review the operation of a dog and cat kennel/breeding facility in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The S1/2NE1/4, E1/2SW1/4, SE1/4; Rainy Creek Cheyenne Township #19, Section 33, T4N, R16E, BHM, Pennington County, South Dakota.

(Continued from the January 25, 2016, Planning Commission meeting.)

Conover reviewed the Staff Report indicating this is a review of the applicant's Conditional Use Permit to allow for the operation of a dog and cat kennel/breeding facility in a General Agriculture District.

Staff recommended revocation of Conditional Use Permit / CU10-30, as the Conditions of Approval have not been met.

Discussion followed.

**Moved by Coleman and seconded by Landers to revoke Conditional Use Permit / CU 10-30, as the Conditions of Approval have not been met.**

**All voting aye, the Motion carried 5 to 0.**

11. 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.

(Continued from the December 21, 2016, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicants have 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 the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
2. That the applicant submit a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports;
3. 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 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;
5. That any natural drainage ways and paths be continually maintained;
6. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed;
7. 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;
8. That the site shall be re-vegetated as required in Section 507-A(5)(c);
9. That the Section Line Right-of-Way, between Sections 9 and 10, be vacated and/or relocated;

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 Coleman and seconded by McCollam to approve of Construction Permit / CP 15-17 with the following eleven (11) conditions:**

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
- 2. That the applicant submit a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports;**
- 3. 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 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;**
- 5. That any natural drainage ways and paths be continually maintained;**
- 6. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed;**
- 7. 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;**
- 8. That the site shall be re-vegetated as required in Section 507-A(5)(c);**
- 9. That the Section Line Right-of-Way, between Sections 9 and 10, be vacated and/or relocated;**

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.

**All voting, the Motion carried 4 to 1. Commissioner Landers voted no.**

12. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 2, 2016, Planning Commission meeting.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for January 2016.

15. ITEMS FROM THE MEMBERSHIP

Commissioner Landers spoke of House Bill 1127.

16. ADJOURNMENT

**Moved by Coleman and seconded by McCollam to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 10:50 a.m.**

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Sig Zvejnieks, Vice Chairperson