

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 14, 2016 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 22, 2016, MINUTES
Moved by Zvejnieks and seconded by Litzen to approve the minutes of the February 22, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Landers and seconded by Zvejnieks to approve the Agenda of the March 14, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).

Commissioner McCollam appeared at the meeting at 9:04 a.m.

Moved by Landers and seconded by Zvejnieks to approve the Consent Calendar of the March 14, 2016, Planning Commission Meeting, with the removal of Item #11. 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 89-36:** Clyde and Dianne Graumann. To review a roofing business as a home occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Carlin Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 89-36 with the following seven (7) conditions:

1. That the hours of operation be between 6:00 a.m. and 7:00 p.m.;
2. That this Conditional Use Permit be revoked when Clyde and Dianne Graumann no longer operate the business and /or sell the property;
3. That one sign may be located no closer than seventeen feet from the street right-of-way and may not be larger than four (4) square feet;
4. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purposes other than that of a residential use;
5. That members of the family residing on the premises and no more than six additional employees shall operate the business;
6. That the applicants obtain an approved Building Permit for any structure exceeding 144 square feet or located on a permanent foundation which includes the necessary site plans to be reviewed and approved by the Planning Director; and,
7. This Conditional Use Permit is reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 91-28:** Donald and Iva Askew. To review a single-wide mobile home to be used as a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 6, Leisure Hills Estates, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 91-28 with the owner's concurrence.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 99-37:** Bob Young. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 99-37 to the May 9, 2016, Planning Commission meeting.

Vote: unanimous (7 to 0).

6. **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.

(Continued from the February 8, 2016, Planning Commission meeting.)

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 Department and the manufactured home being used for a ranch hand residence is removed;**
4. **That both addresses (3791 and 3795 S. Valley Drive) continue to be properly posted on each residence and at the approach from S. Valley Drive, so they are visible from both directions of S. Valley Drive in accordance with Pennington County's Ordinance #20;**
5. **That the property continue to remain free of debris and junk vehicles; and,**
6. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous (7 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 00-47:** Jeremy and Cheryl Smith. To review a single-wide manufactured home as a single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

SE1/4 NE1/4 NE1/4, Section 9, T1S, R9E, BHM, Pennington County, South Dakota

To to end Conditional Use Permit / CU 00-47 with the applicant's concurrence.

Vote: unanimous (7 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 06-33:** Kristina Trautman. To review a Customary Home Occupation, an animal hospital, in a General Agriculture District in accordance with Sections 204 and 510 of the Pennington County Zoning Ordinance.

Lot A, Freeland Subdivision, Section 19, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 06-33 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 no more than four (4) employees are employed at any given time;**
3. **That the home occupation is conducted entirely within an enclosed structure and no stock in trade be displayed outside the enclosed structure;**
4. **That no alterations to the property or any structure thereon shall indicate that it is being utilized in whole or in part for any purpose other than residential use;**
5. **That a minimum of one (1) business sign be allowed. The sign may either be one (1) wall sign or one (1) free standing sign, and must not exceed six (6) square feet in area;**
6. **That the applicant disposes of the animal waste in a timely manner;**
7. **That a minimum of five (5) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;**

8. That the home occupation be limited to a vet clinic business only. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
9. That the daily hours of operation shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays;
10. That the number of large animals be limited to 10 at any one time; and,
11. That this Conditional Use Permit be reviewed in five (5) years or on a complaint basis to ensure that all conditions are being met.

Vote: unanimous (7 to 0).

9. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 14-05:** Joni Peterson. To review the existing Trailwood Planned Unit Development to allow for a home occupation, a salon business in the basement of the residence, on the subject property in accordance with Sections 213 of the Pennington County Zoning Ordinance.

Lot 17, Block 21, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Minor Planned Unit Development Amendment Review / CU 14-05 with the following eight (8) conditions:

1. 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;
2. That no off-premise signs be allowed within the Planned Unit Development;
3. That hours of operation will be Monday through Friday 8 a.m. to 5 p.m. and 8 a.m. to 4 p.m. on every Saturday, with an occasional late appointment after hours;
4. That there will be only one (1) additional full-time employee;
5. That there be a minimum of two (2) off street parking spaces available at all times;
6. That applicant will adhere to all requirements of the South Dakota Cosmetology Commission and County requirements, including all Planned Unit Development requirements, and maintains the necessary permits to conduct the business;

7. That if the amount of waste generated from the salon exceeds 10,000 gallons per month, Rapid Valley Sanitary District and the City of Rapid City must be notified. Any pretreatment required by above agencies must be adhered to; and,
8. That the Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board.

Vote: unanimous (7 to 0).

10. **CONDITIONAL USE PERMIT / CU 16-01:** Daniel Elliott. To live in an existing cabin while building a new single-family residence on the subject property and to also allow the existing cabin to remain on the property to be used as a Guest House once the single-family residence is complete in a General Agriculture District in accordance with Sections 205, 318, and 510 of the Pennington County Zoning Ordinance.

All, Rubesite Lode MS 1987, Section 22, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 22, 2016, Planning Commission meeting.)

To continue Conditional Use Permit / CU 16-01 to the March 28, 2016, Planning Commission meeting.

Vote: unanimous (7 to 0).

12. **REZONE / RZ 16-01:** Thomas and Janeane Price. To rezone 3.37 acres from Low Density Residential District to Suburban Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

(Continued from the February 22, 2016, Planning Commission meeting.)

To recommend approval of Rezone / RZ 16-01.

Vote: unanimous (7 to 0).

13. **COMPREHENSIVE PLAN AMENDMENT / CA 16-03:** Thomas and Janeane Price. To amend the Comprehensive Plan to change the Future Land Use for the southern portion of the subject property from Planned Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

That Portion of Lot 1 of T and J Price Subdivision, located in the N1/2N1/2SE1/4 of Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Comprehensive Plan Amendment / CA 16-03.

Vote: unanimous (7 to 0).

- 14. CONSTRUCTION PERMIT / CP 16-02: Hart Ranch Camping Resort Club. To grade approximately 2.5 acres to expand an RV storage area in the southern portion of the lot.**

Hart Ranch Camping Resort Parcel of Hart Ranch Development, Section 18, T1S, R8E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 16-02 with the following six (6) 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 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;**
- 4. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);**
- 5. That the applicant sign a Statement of Understanding within seven (7) days of Permit approval; and,**
- 6. 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 (7 to 0).

END OF CONSENT CALENDAR

11. CONDITIONAL USE PERMIT / CU 16-02: Eva Olson. To allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of E1/2E1/2SW1/4NW1/4 lying S of Hwy 14-16 ROW less W 97 ft; SE1/4NW1/4 lying S of Hwy 14-16 ROW; SW1/4NE1/4 lying S of Hwy 14-16 ROW; That PT of SW1/4NE1/4 lying between I-90 and Hwy 14-16 ROW; That PT of E1/2E1/2NW1/4NW1/4 lying S of Hwy 14-16 ROW, Section 27, T2N, R10E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District.

Bolstad further explained that staff had originally recommended approval of Conditional Use Permit / CU 16-02 with eleven (11) conditions and now is recommending approval with ten (10) conditions (removing Condition #2 from the original Conditions of Approval), as the applicant did apply for the Building Permit for the pole barn.

Moved by Trautman and seconded by Litzen to approve of Conditional Use Permit / CU 16-02 with the following ten (10) conditions:

- 1. That a Building Permit be submitted for the single-wide mobile home prior to expiration of the Temporary Building Permit on March 22, 2016, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the property address be posted both on the residence and at the end of the driveway so it is visible from both directions of travel on Highway 14/16, in accordance with Pennington County's Ordinance #20;**
- 3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);**
- 4. That if the applicant/landowner chooses to rebuild a single-family residence on the subject property, Conditional Use Permit / CU 16-02 be amended and re-advertised to allow the single-wide mobile home to be used as temporary living quarters while building a single-family residence and the single-wide mobile home must be removed from the property upon completion of a new single-family residence;**
- 5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
- 6. That the subject property remains free of debris and junk vehicles;**

7. **That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;**
8. **That an approved 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;**
9. **That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-02; and,**
10. **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).

15. REZONE / RZ 16-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-02: Mitch Morris. To rezone 559.68 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

The NE1/4SW1/4 and the SE1/4SW1/4 of Section 33, T1N, R8E; The SE1/4 of Section 33, T1N, R8E; The E1/2NE1/4SE1/4; The W1/2NE1/4SE1/4; The NW1/4SE1/4; GL 1-2 all located in Section 4, T1S, R8E; GL 4 and NW1/4SW1/4 of Section 3, T1S, R8E; The SE1/4NE1/4 of Section 33, T1N, R8E; Lot 2 of SW1/4NW1/4 and Lot 2 of W1/2SW1/4 of Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 22, 2016, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant had originally applied to rezone 760.41 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District, and now the applicant is requesting to rezone 559.68 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District.

Staff is seeking guidance from the Planning Commission on how to move forward with Rezone / RZ16-03 and Comprehensive Plan Amendment / CA16-02.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of Rezone / RZ16-03 and Comprehensive Plan Amendment / CA16-02.

Discussion further followed.

Roll call vote on Motion: Commissioner Coleman stated he would abstain. Commissioner Trautman, Commissioner Hall, and Commissioner Zvejnieks voted no. Commissioners Litzen, McCollam, and Landers voted yes.

Commissioner Coleman withdrew his abstention and voted no.

All voting, the Motion to approve failed 4 to 3.

16. TELECOMMUNICATIONS FACILITY PERMIT / TC 16-01: Cellular Inc./Network Corp. d/b/a Verizon Wireless; Brian Kabat-Buell Consulting – Agent. To allow a 106 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 Telecommunications Facility permit to allow for a 106 foot stealth monopine pole and equipment shelter in a General Commercial District.

Staff recommended approval of Telecommunications Facilities Permit / TC 16-01 with the following eleven (11) conditions:

1. That prior to the approval of any Permits on the subject property, the old tires and debris/junk, as mentioned in Case # COVO16-0023, be removed and that staff is notified of their removal and visually inspects the property for compliance;
2. That a Commercial Building Permit(s) is obtained for the installation of the monopine pole and associated construction, to be reviewed and approved by the Planning Director;
3. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the monopine pole and equipment building;
4. That the address be properly posted in accordance with Ordinance #20;
5. 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;
6. That emergency radio communication equipment be allowed on the monopine pole, as long as it does not interfere with the applicant's broadcast equipment;

7. That the approach currently used to access the property be continually used to gain access to the Telecommunications Facility (monopine pole) and that any other approaches onto the property must be approved by the applicable governing body;
8. 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;
9. That the monopine pole be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G “Structural Standard for Antenna Supporting Structures and Antennas” where applicable;
10. That the land owner signs the Statement of Understanding within ten (10) business days of approval of Telecommunications Facilities Permit / TC 16-01, which is available at the Planning Office; and,
11. 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 Litzen and seconded by Coleman to approve of Telecommunications Facilities Permit / TC 16-01 with the following eleven (11) conditions:

- 1. That prior to the approval of any Permits on the subject property, the old tires and debris/junk, as mentioned in Case # COVO16-0023, be removed and that staff is notified of their removal and visually inspects the property for compliance;**
- 2. That a Commercial Building Permit(s) is obtained for the installation of the monopine pole and associated construction, to be reviewed and approved by the Planning Director;**
- 3. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the monopine pole and equipment building;**
- 4. That the address be properly posted in accordance with Ordinance #20;**
- 5. 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;**

6. That emergency radio communication equipment be allowed on the monopine pole, as long as it does not interfere with the applicant's broadcast equipment;
7. That the approach currently used to access the property be continually used to gain access to the Telecommunications Facility (monopine pole) and that any other approaches onto the property must be approved by the applicable governing body;
8. 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;
9. That the monopine pole be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G "Structural Standard for Antenna Supporting Structures and Antennas" where applicable;
10. That the land owner signs the Statement of Understanding within ten (10) business days of approval of Telecommunications Facilities Permit / TC 16-01, which is available at the Planning Office; and,
11. 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.

Commissioner Zvejnieks stated he would abstain.

Roll call on vote on Motion: Commissioners Coleman, Litzen, Hall, and Landers voted yes. Commissioners Trautman and McCollam voted no.

All voting, the Motion carried 4 to 2. Commissioner Zvejnieks abstained.

17. COUNTY BOARD REPORT

Conditional Use Permit / CU 15-39 (Bellwether Limited Partnership; Janice and Roger Knutsen – Agent) was appealed and will be heard at the April 19, 2016, Board of Commissioner's meeting.

The Board of Commissioners will hear the Planning Commission's recommendations from the February 22, 2016, Planning Commission meeting on Tuesday, March 15, 2016.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for February 2016.
- B. Solar Energy Systems. Conover spoke of a moratorium for submittal of Solar Energy System applications.
- C. Appeal of Croell Redi-Mix. Conover informed the Planning Commission that this item will be discussed at the March 15th Board of Commissioners meeting and it may be scheduled for a hearing on Tuesday, April 5, 2016.
- D. Construction Permits and Mining Permits. Conover stated there will be a request for a moratorium to be placed on submittal of Construction Permits and Mining Permits at the March 15th Board of Commissioner's meeting.

20. ITEMS FROM THE MEMBERSHIP

Commissioner Landers discussed Conditional Use Permit Reviews.

21. ADJOURNMENT

Moved by Litzen and seconded by Zvejnieks to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:49 a.m.

Karen Hall, Chairperson