

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 28, 2016 @ 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 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 MARCH 14, 2016, MINUTES
Moved by Litzen and seconded by Zvejnieks to approve the minutes of the March 14, 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 28, 2016, Planning Commission Meeting. Vote: unanimous (6 to 0).

Moved by Landers and seconded by Litzen to approve the Consent Calendar of the March 28, 2016, Planning Commission Meeting, with the removal of Item #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 REVIEW / CU 94-27: Donald Karras. To review a single-wide mobile home in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot AR of Lot 2 Revised, Block 2 of Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 94-27.

Vote: unanimous (6 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 11-02:** Jeff DeVeney. To review an internally illuminated, on-premise signs within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 11-02 to the June 13, 2016, Planning Commission meeting with the applicant's concurrence.

Vote: unanimous (6 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-03:** Keith and Mary Ann Wheeler. To review a single-wide mobile home being used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The N1/2 of Lot 9, Block 8, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 12-03 with the following four (4) conditions:

1. **That the property continues to remain free of debris and junk vehicles;**
2. **That the lot address continues to be clearly posted so it is visible from Lunar Drive in accordance with Pennington County's Ordinance #20;**
3. **That the mobile home on the property continue to have a peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained and provided with skirting from the bottom of the walls to the ground; and,**
4. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission and/or the Pennington County Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous (6 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 14-23:** Keystone Adventures, Inc.; Andrew Busse – Agent. To review a golf driving range and helipad in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

The Unplatted Balance of Government Lot 16 less Right-of-Way; and the Unplatted Balance of Government Lot 21 less Right-of-Way, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 14-23 to the April 11, 2016, Planning Commission meeting.

Vote: unanimous (6 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 15-03:** Bituminous Paving; Bill Krakowski – Agent. To review a portable asphalt batch plant to be set up in the Pete Lien & Son’s gravel pit in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL1-4; PT of GL 5 East of Right-of-Way; and PT NE1/4NW1/4 East of Right-of-Way, Section 17, T1N, R14E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-03 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 all access to the portable asphalt plant be via the existing approach off of Base Line Road;**
3. **That porta potties (1 per every 50 employees) are provided on-site throughout the operation of the portable asphalt plant;**
4. **That the assigned address (18225 Base Line Road) shall be used for the portable asphalt plant and conspicuously posted in accordance with Pennington County Ordinance #20 and a cell phone shall be present on the site at all times;**
5. **That all debris and construction items be cleaned up and removed from the property upon completion of the two (2) identified paving projects;**
6. **That an Air Quality Permit be obtained from the South Dakota Department of Environment and Natural Resources. A copy of the Air Quality Permit shall be provided to the Planning Department prior to the operation of the portable asphalt plant;**
7. **That erosion control measures and Best Management Practices (BMPs) be implemented and maintained, in accordance with Section 507-A of the Pennington County Zoning Ordinance and the Pennington County Storm**

Water Quality Manual, to prevent sediment from leaving the site and entering the Cheyenne River and/or other drainage ways and waterbodies;

- 8. That the conditions of the Air Quality Permit be continually met;**
- 9. That a Spill Pollution and Prevention Plan be implemented for the temporary asphalt plant. A copy of the Spill Pollution and Prevention Plan shall be provided to the Planning Department prior to the operation of the portable asphalt plant;**
- 10. That the applicant reclaim disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;**
- 11. That this Conditional Use Permit be reviewed in December 2016, or on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to determine that all conditions are being met.**

Vote: unanimous (6 to 0).

- 8. 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 March 14, 2016, Planning Commission meeting.)

To approve of Conditional Use Permit / CU 16-01 with the following eight (8) conditions:

- 1. 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;**
- 2. That the address be clearly posted on the new residence and end of the driveway, so as to be visible from both directions of Victoria Lake Road, in accordance with Pennington County's Ordinance #20;**
- 3. That upon completion of the new single-family residence, the range is removed from the cabin, so as to remove the living quarters and convert the cabin into storage only, or remove the cabin completely from the property;**

4. That the applicant notify the Planning Department when the new single-family residence is complete and allow staff to verify that the living quarters have been removed from the cabin;
5. That the comments provided by the U.S. Forest Service be adhered to at all times;
6. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
7. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit #16-01, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed in one (1) year, 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 (6 to 0).

10. **CONSTRUCTION PERMIT / CU 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 / CP 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) by August 1, 2016;
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 (6 to 0).

END OF CONSENT CALENDAR

9. CONSTRUCTION PERMIT REVIEW / CP 15-01: Keystone Adventures, Inc. To review an area for a helipad and build a road on the subject property in accordance with Section 507 of the Pennington County Zoning Ordinance.

Unplatted Balance of GL 16 less Right-of-Way; Unplatted Balance of GL 21 less Right-of-Way; Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

Commissioner Zvejnieks asked to have this item removed from the Consent Calendar to discuss the continuance of the review of the Construction Permit.

Staff had recommended approval to continue the review of Construction Permit / CP 15-01 to the April 11, 2016, Planning Commission meeting.

Discussion followed.

Moved by Zvejnieks and seconded by Litzen to continue the review of Construction Permit / CP 15-01 to the April 11, 2016, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

11. VACATION OF PLAT / VP 16-01: Rodney Vollmer; Brenda Degen-Whiting – Agent. To vacate the plat of Lot A in the NE1/4 of Section 22, T2N, R8E.

EXISTING LEGAL: Lot A in the NE1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: NE1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to vacate Lot A in the NE1/4 of Section 22.

Staff recommended approval of Vacation of Plat / VP 16-01 with the following two (2) conditions:

1. That the Vacation of Plat be filed with the Pennington County Register of Deeds; and,
2. That a Statement of Understanding be signed, within ten (10) business days of Vacation of Plat / VP 16-01 being approved.

Discussion followed.

Moved by Zvejnieks and seconded by Litzen to approve with the following three (3) conditions:

- 1. That the Vacation of Plat be filed with the Pennington County Register of Deeds;**
- 2. That the applicant will need to verify with the Register of Deeds if the pins that have been previously been set for Lot A, need to be removed, and, if so, the pins for Lot A be removed; and,**
- 3. That a Statement of Understanding be signed, within ten (10) business days of Vacation of Plat / VP 16-01 being approved.**

All voting aye, the Motion carried 6 to 0.

12. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the March 14, 2016, Planning Commission meeting on Tuesday, April 5, 2016.

Telecommunications Facility Permit / TU 16-01 (Cellular Inc. / Network Corp. d/b/a Verizon Wireless; Brian Kabat-Buell Consulting – Agent) was appealed and will be heard at the April 19, 2016, Board of Commissioner's meeting.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

- A VH Rental Public Meeting. Conover informed the Planning Commission that the VH Rental Committee is holding a public meeting scheduled for Tuesday, April 12th from 4 p.m. to 6 p.m. in the Board of Commissioner's Meeting Room to review proposed changes to Section 319 of the Vacation Home Rental Ordinance.
- B Appeal of Construction Permit / CP 16-17 (Croell Redi-Mix). Conover stated this appeal will be heard on Tuesday, April 5th during the Board of Commissioner's meeting.
- C. Appeal of Conditional Use Permit / CU 15-39 (Bellwether Limited Partnership; Janice and Roger Knutsen – Agent). Bolstad stated this was appealed and will be heard at the April 19, 2016, Board of Commissioner's meeting
- D. Temporary Zoning Moratoriums. Conover spoke of the Board of Commissioners proposing to adopt Moratoriums on new Construction Permits, Mining Permits, and Solar Energy Systems. These items will also be heard at the April 5th Board of Commissioner's meeting.
- E. 2016 National Planning Conference. Conover noted that he and Cassie Bolstad and will be attending the National Planning Conference in Phoenix, AZ.

15. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

16. ADJOURNMENT

Moved by Zvejnieks and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:19 a.m.

Karen Hall, Chairperson