

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 25, 2016 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, William McCollam, Barbara Landers, Travis Lasseter, Rich Marsh, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Michaelae Hofmann (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 11, 2016, MINUTES
Moved by Landers and seconded by Litzen to approve the minutes of the July 11, 2016, Planning Commission Meeting. Vote: Unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Marsh to approve the Agenda of the July 25, 2016, Planning Commission Meeting. Vote: Unanimous 7 to 0.

Moved by Lasseter and seconded by Landers to approve the Consent Calendar of the July 25, 2016, Planning Commission Meeting, with the removal of Items #9 and #10, and #15. 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 01-18:** Randy and June Guliuzza. To review a Bed and Breakfast as a home occupation in a Low Density Residential District in accordance with Section 207-C-1 of the Pennington County Zoning Ordinance.

Tract 2 of Shelter in the Hills Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 01-18 with the following nine (9) conditions:

1. That a maximum of six (6) people, including both guests and residents, continually be allowed to stay at the bed and breakfast establishment;
2. That the business continue to be conducted by members of the family residing on the premises and no more than one (1) additional person;
3. That AC and battery operated smoke detectors continue to be installed in all sleeping rooms and common hallways and tested semi-annually as requested by the Pennington County Fire Coordinator;
4. That a 2-ABC dry chemical fire extinguisher be continually kept up to date with the inspections and accessible to all guests at all times as requested by the Pennington County Fire Coordinator;
5. That a minimum of six (6) off-street parking spaces be continually provided and that each parking space shall not be less than one hundred sixty two (162) square feet, nor less than nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the applicant maintain current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sale Tax License) and that copies of these licenses be provided to the Planning Department;
7. That a business sign, which directs attention to the home occupation, shall be allowed with an approved Sign Permit. Such sign shall not exceed four (4) square feet in area and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located closer than seventeen feet to the nearest street right-of-way line;
8. That the address (23888 S. Rockerville Road) be continually posted on the residence in accordance with Ordinance #20; and,
9. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

Vote: Unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT / CU 16-11:** The Gathering of Eagles; Christopher Lord – Agent. To allow a temporary assembly of people for a five-day spiritual gathering in a General Agriculture District in accordance with Sections 205, 314, and 510 of the Pennington County Zoning Ordinance.

(Continued from the July 11, 2016, Planning Commission meeting.)

S1/2NW1/4 of Section 17, T1N, R3E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 16-11 with the applicant's concurrence.

Vote: Unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT / CU 16-13:** Dennis Hubbard. To allow for a caretaker's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

E1/2E1/2NE1/4NW1/4 LESS ROW, Section 34, T2N, R15E, BHM, Pennington County, South Dakota.

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

Vote: Unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT / CU 16-20:** Perry or Vicki Van Newkirk. To allow for an accessory structure, a pole barn, prior to a principal structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 48 (includes 48A), Burns Placers #697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 16-20 to the August 22, 2016, Planning Commission meeting with the applicant's concurrence.

Vote: Unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT / CU 16-21:** Jeff Liddell / Liddell Family Trust. To allow an accessory structure (barn) prior to a primary structure and to also allow an RV to be used as temporary living quarters during future construction of a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All of Sunrise Fraction Lode MS 531, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 16-21 to the August 8, 2016, Planning Commission meeting with the applicant's concurrence.

Vote: Unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT / CU 16-22:** BH Power, Inc. / BH Electric Cooperative; Michael Pogany - Agent. To allow a contractor's storage yard for the Teckla-Osage-Rapid City 230kV Transmission Line Project located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract A less Lot H1, Substation Subdivision, Section 27, T1N, R3E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 16-22 with the following eleven (11) conditions:

1. **That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;**
2. **That emergency contact information for the storage yard be posted at the entrance of the storage yard;**
3. **That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;**
4. **That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;**
5. **That erosion control measures be implemented around the site to prevent sediment leaving the site;**
6. **That tracking control measures be implemented at the entrance/exit to Deerfield Road from the storage yard;**
7. **That adequate space is provided for parking in the storage yard;**
8. **That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;**
9. **That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;**
10. **That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-22; and,**

11. That this Conditional Use Permit be reviewed in December 2016, 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.

11. CONSTRUCTION PERMIT REVIEW / CP 15-11: Pennington County Highway Department. To review the construction work to improve and realign 2,500 feet of Cheney Road, which is located about 25 miles north of Wall.

SE1/4 of Section 29, S1/2 of Section 28, NE1/4 of Section 32, and NW1/4 of Section 33, all located in T5N, R15E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 15-11.

Vote: Unanimous 7 to 0.

12. CONSTRUCTION PERMIT REVIEW / CP 15-13: Davis Engineering / Ron Davis. To develop 38 lots in the Murphy Ranch Estates Subdivision. The review 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.

To end Construction Permit / CP 15-13 on August 24, 2016, with the applicant's concurrence.

Vote: Unanimous 7 to 0.

13. CONSTRUCTION PERMIT / CP 16-04: Black Hills Power, Inc. To construct a 230 kV transmission line to connect the Teckla Substation in Campbell County, Wyoming, to the Osage Substation in Weston County, Wyoming, and the Lange Substation located in Pennington County, near Rapid City, South Dakota.

The 144 mile project traverses through 36.3 miles of the Black Hills National Forest, 4.7 miles of Thunder Basin National Grassland, 2.6 miles of BLM Land, 10.3 miles of State of Wyoming land, and 90 miles of private land in SD and WY.

To approve of Construction Permit / CP 16-04 with the following eight (8) 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 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 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 the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
6. That the conditions, which apply to National Forest Service lands only, listed in the Black Hills National Forest Record of Decision for the Teckla-Osage-Rapid City 230 kV Transmission Line Project be continually met;
7. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
8. 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 7 to 0.

- 14. CONSTRUCTION PERMIT / CP 16-05: Pennington County Highway Department. To reconstruct a slide area along Kelly Hill Road.**

NE1/4, Section 30, T2N, R17E, BHM, Pennington County, South Dakota.

To approve of Construction Permit / CP 16-05 with the following ten (10) 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 if the applicant provides self-contained toilets on-site, that there is one (1) unit per 50 employees and they must meet all State and County regulations, including setbacks;
4. That the contractor make efforts to protect the irrigation channel and work around irrigation season, if possible;
5. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;
6. 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;
7. That any monuments establishing property boundaries be replaced as necessary;
8. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
9. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c); and,
10. That this Construction Permit expires one (1) year from approval date, and may be reviewed 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.

Vote: Unanimous 7 to 0.

END OF CONSENT CALENDAR

9. CONDITIONAL USE PERMIT / CU 16-24: BH Power, Inc. / BH Electric Cooperative; Michael Pogany - Agent. To allow a contractor's storage yard for the Teckla-Osage-Rapid City 230kV Transmission Line Project located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

Commissioner Marsh asked to have this Item removed from the Consent Calendar; he further stated he would be abstaining from voting on this item.

Staff recommended approval of Conditional Use Permit / CU 16-24 with the following twelve (12) conditions:

1. That an address be assigned and posted at the entrance to the storage yard in accordance with Ordinance #20;
2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;
3. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
4. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;
5. That erosion control measures be implemented around the site to prevent sediment leaving the site;
6. That tracking control measures be implemented at the entrance/exit to Hidden Valley Road from the storage yard;
7. That adequate space is provided for parking in the storage yard;
8. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;
9. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;
10. That if the City of Rapid City requires a Haul Road Agreement for Hidden Valley Road, that the applicant obtain the Agreement from the City prior to use of the contractor's storage yard;
11. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-24; and,
12. That this Conditional Use Permit be reviewed in December 2016, 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.

Moved by Litzen and seconded by McCollam to approve of Conditional Use Permit / CU 16-24 with the following twelve (12) conditions:

- 1. That an address be assigned and posted at the entrance to the storage yard in accordance with Ordinance #20;**
- 2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;**
- 3. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;**
- 4. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;**
- 5. That erosion control measures be implemented around the site to prevent sediment leaving the site;**
- 6. That tracking control measures be implemented at the entrance/exit to Hidden Valley Road from the storage yard;**
- 7. That adequate space is provided for parking in the storage yard;**
- 8. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;**
- 9. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual;**
- 10. That if the City of Rapid City requires a Haul Road Agreement for Hidden Valley Road, that the applicant obtain the Agreement from the City prior to use of the contractor's storage yard;**
- 11. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 16-24; and,**
- 12. That this Conditional Use Permit be reviewed in December 2016, 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.**

All voting, the Motion carried 6 to 0. Commissioner Marsh abstained.

10. CONSTRUCTION PERMIT REVIEW / CP 05-11: Pete Lien & Sons. To review the extension of a Construction Permit for reclamation of the quarry located on the subject property in a General Agriculture District in accordance with Section 507 of the Pennington County Zoning Ordinance.

A portion of the NE1/4 of Section 20 and a portion of the NW1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

Commissioner Marsh asked to have this Item removed from the Consent Calendar; he further stated he would be abstaining from voting on this item.

Staff recommended approval of the extension of Construction Permit / CP 05-11 with the following ten (10) conditions:

1. 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 (SDR00A061) be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during reclamation;
3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Title V Air Quality Permit (28.1143-02) be continually met;
4. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
5. That prior to start of any surface disturbance, any required permits from the Rapid City Community Development Department be obtained;
6. That the applicant continues to use the existing approach from Universal Drive to access the site;
7. That the rubble be limited to clean concrete debris, unless approval from the South Dakota Department Environment and Natural Resources is obtained and a copy of the document is provided to the Pennington County Planning and Zoning Department; and,
8. That the applicant continually maintain all required permits allowing for the use of clean fill and rubble with the South Dakota Department of Environment and Natural Resources.
9. That the site shall be revegetated as required in Section 507-A(5)(c); and,

10. That this Construction Permit be reviewed in two (2) years 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.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of the extension of Construction Permit / CP 05-11 with the following ten (10) conditions:

1. 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 (SDR00A061) be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during reclamation;
3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Title V Air Quality Permit (28.1143-02) be continually met;
4. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
5. That prior to start of any surface disturbance, any required permits from the Rapid City Community Development Department be obtained;
6. That the applicant continues to use the existing approach from Universal Drive to access the site;
7. That the rubble be limited to clean concrete debris, unless approval from the South Dakota Department Environment and Natural Resources is obtained and a copy of the document is provided to the Pennington County Planning and Zoning Department; and,
8. That the applicant continually maintain all required permits allowing for the use of clean fill and rubble with the South Dakota Department of Environment and Natural Resources.
9. That the site shall be revegetated as required in Section 507-A(5)(c); and,
10. That this Construction Permit be reviewed in two (2) years 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.

All voting, the Motion carried 6 to 0. Commissioner Marsh abstained.

15. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 06-03: Prairie Valley Development Company, LLC. To review a Planned Unit Development Amendment to allow for 75 residential lots, 1 well lot, and 1 detention lot with a minimum lot size of 1/2 acre in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5; Lot 1, Block 6, all of Prairiefire Subdivision; NE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW; and SE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar to discuss continuing the review of the Planned Unit Development Amendment.

Bolstad explained that staff had originally recommended approval of the extension of Planned Unit Development Amendment / PU 06-03 with eleven (11) conditions, but is now recommending this item be continued to the August 22, 2016, Planning Commission meeting in order for staff to research information received regarding the water system in the subdivision - Condition #8.

Discussion followed.

Moved by Zvejnieks and seconded by Litzen to continue the review of Planned Unit Development Amendment / PU 06-03 to the August 22, 2016, Planning Commission meeting in order for staff to research information received regarding the water system in the subdivision.

All voting aye, the Motion carried 7 to 0.

16. VACATION OF EASEMENT / VE 16-01: Brad and Colleen Kurtz; Fisk Land Surveying – Agent. To vacate six (6) foot Utility Easements in Lot 8R, Block 2, Norris Peak Subdivision in accordance with the Pennington County Zoning Ordinance.

Lot 8R, Block 2, Norris Peak Subdivision, Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to vacate six (6) foot Utility Easements in Lot 8R, Block 2, Norris Peak Subdivision.

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

1. That all necessary resolutions and exhibits be recorded by the applicant or agent at the Register of Deeds; and,
2. That the applicant sign a Statement of Understanding within ten (10) business days of approval of this Vacation of Easement.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of Vacation of Easement / VE 16-01 with the following two (2) conditions:

- 1. That all necessary resolutions and exhibits be recorded by the applicant or agent at the Register of Deeds; and,**
- 2. That the applicant sign a Statement of Understanding within ten (10) business days of approval of this Vacation of Easement.**

All voting aye, the Motion carried 7 to 0.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 11, 2016, Planning Commission meeting.

The below items were Appealed and were heard at the July 19, 2016, Board of Commissioner's meeting:

1. CONDITIONAL USE PERMIT / CU 16-12: TC Enterprises, Inc.; Todd Schuetzle – Agent. To allow bicycle rentals, ATV rentals, and a retail shop as neighborhood commercial in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

This item was approved and Condition #1 was amended to allow only two (2) atv rentals.

2. CONDITIONAL USE PERMIT / CU 16-16: Carey or Deborah Kassube. To allow a commercial storage rental and painting business in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

This item was continued in order for the applicant and neighbors to meet and to come back with a plan no later than the November 1, 2016, Board of Commissioners' meeting.

3. CONDITIONAL USE PERMIT / CU 16-18: Steve and Kathryn Venteicher. To allow for a Vacation Home Rental on the subject property in a Low Density

Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance

This item was continued to the August 16, 2016, Board of Commissioner's meeting to obtain information from DENR regarding public water systems.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

There were no items from Staff.

20. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

21. ADJOURNMENT

Moved by Litzen and seconded by McCollam to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:23 a.m.

Sig Zvenjnieks, Chairperson