

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 27, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 13, 2017, MINUTES
Moved by Lasseter and seconded by McCollam to approve the Minutes of the February 13, 2017, Planning Commission Meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Litzen and seconded by Lasseter to approve the Agenda of the February 27, 2017, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Marsh and seconded by McCollam to approve the Consent Calendar of the February 27, 2017, Planning Commission meeting with the removal of Items #5, #6, and #7. 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. **CONSTRUCTION PERMIT REVIEW / CP 16-02:** Hart Ranch Camping Resort Club. To review grading 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 Subdivision, Section 18, T1S, R8E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 16-02 with the applicant's concurrence.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-29:** Jim or Mary Scull. To review a cabin to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 15-29 to the March 13, 2017, Planning Commission meeting.

Vote: unanimous 7 to 0.

8. **MINOR PLAT / PL 17-01 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-01:** Deborah Munyan. To create Lots 1 and 2 of Munyan Estates and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1 less Bradsky Road; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 and Lot 2, Munyan Estates, Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 17-01 to waive the submittal of percolation tests and soil profile hole information for proposed Lot 2; submittal of engineered road construction plans; and Right-of-Way dedication for Bradsky Road; and, approval of Minor Plat / PL 17-01 with the following ten (10) conditions:

1. **That upon filing the Plat with the Register of Deeds, a Deed Restriction also be filed restricting the residential use of proposed Lot 2 until such time that a second means of ingress and egress is constructed;**
2. **That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 be Rezoned or approved Lot Size Variance(s) be obtained;**
3. **That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
4. **That at the time of new Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**

5. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to state “Lot 1 and Lot 2 of Munyan Estates, Formerly Government Lot 1 of Section 4...”, as required by the Register of Deeds;
6. That prior to filing the Plat with the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That prior to filing the Plat with the Register of Deeds, a 66-foot-wide Right-of-Way be dedicated along Bradsky Road on the portion outside of the Section Line Right-of-Way, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That addresses be properly posted on the existing residence and any future structures constructed on proposed Lot 2 and at the approaches so they are visible from both directions of travel on Bradsky Road, in accordance with Pennington County’s Ordinance #20; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-01 and Subdivision Regulations Variance / SV 17-01, which is available at the Planning Office.

Vote: unanimous 7 to 0.

END OF CONSENT CALENDAR

5. REZONE / RZ 17-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-03: Tyler Schad; Renner Associates – Agent. To rezone 59.475 acres from General Agriculture District to Heavy Industrial District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Heavy Industrial District in accordance with Sections 205, 207, 212, and 508 of the Pennington County Zoning Ordinance.

To rezone 10.010 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Low Density

Residential District to Limited Agriculture District in accordance with Sections 205, 206, 207, and 508 of the Pennington County Zoning Ordinance.

Commencing at the section 1/4 corner common to Sections 20 and 21, T2N, R8E, BHM, thence S 89°57'28" W, a distance of 33.06 feet, to a point on the westerly edge of section line right-of-way common to said Sections 20 and 21 and the point of beginning; Thence, first course: S 89°52'30" W, along the section 1/4 line, a distance of 2477.26 feet; Thence, second course: N 00°01'41" W, a distance of 1225.19 feet; Thence, third course: N 89°51'47" E, a distance of 1185.70 feet; Thence, fourth course: N 89°52'15" E, a distance of 153.22 feet; Thence, fifth course: S 00°00'26" W, a distance of 391.00 feet; Thence, sixth course: N 89°52'15" E, a distance of 1139.10 feet, to a point on the said westerly edge of section line right-of-way common to Sections 20 and 21; Thence, eighth course: S 00°00'26" W, along the said westerly edge of section line right-of-way, a distance of 834.53 feet, to the said point of beginning. Said Parcel contains 59.475 acres more or less.

Commencing at the northwesterly corner of Lot 1 of Blue Marlin Estates, Section 20, T2N, R8E, BHM., Pennington County, South Dakota, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S 00°00'26" W, along the westerly boundary of said Lot 1, a distance of 416.00 feet, to the south westerly corner of said Lot 1; Thence, second course: N 89°52'15" E, along the southerly boundary of said Lot 1, a distance of 1047.10 feet, to the southeasterly corner of said Lot 1; Thence, third course: N 89°52'15" E, a distance of 17.00 feet, to a point on the westerly edge of section line right-of-way common to Sections 20 and 21, T2N, R8E, BHM; Thence, fourth course: S 00°00'26" W, along the said westerly edge of section line right-of-way, a distance of 75.00 feet; Thence, fifth course: S 89°52'15" W, a distance of 1139.10 feet; Thence, sixth course: N 00°00'26" E, a distance of 391.00 feet; Thence, seventh course: S 89°52'15" W, a distance of 153.22 feet; Thence, eighth course: S 89°51'47" W, a distance of 1185.70 feet, Thence, ninth course: S 00°01'41" E, a distance of 1225.19 feet; to a point on the section 1/4 line; Thence, tenth course: S 89°52'30" W, along the said section 1/4 line, a distance of 140.00 feet, to the center 1/4 corner of Section 20, T2N, R8E, BHM; Thence, eleventh course: N 00°01'41" W, along the section 1/4 line, a distance of 1325.16 feet, to the section 1/16th line; Thence, twelfth course: N 89°51'47" E, along the said section 1/16th line, a distance of 1325.52 feet, to the section 1/16th corner; Thence, thirteenth course: N 89°52'15" E, along the said section 1/16th line, a distance of 228.46 feet, to the said point of beginning. Said Parcel contains 10.010 acres more or less.

Staff asked to have this Item removed from the Consent Calendar for discussion.

Staff recommended to continue Rezone / RZ 17-03 and Comprehensive Plan Amendment / CA 17-03 to the March 13, 2017, Planning Commission meeting.

Discussion followed.

Moved by Landers and seconded by Lasseter to continue Rezone/ RZ 17-03 and Comprehensive Plan Amendment / CA 17-03 to the March 13, 2017, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

6. MINOR PLAT / PL 17-02 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-02: Dakota Land and Cattle Company, LLC. To create Lot 4 and Lot 5 of Block 4 of The Ranch at Black Gap and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract B (also in Section 9), The Ranch at Black Gap, Section 8, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4 and Lot 5 of Block 4 of The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar to include an additional Condition to the Conditions of Approval, based upon comments received.

Staff recommended approval of Subdivision Regulations Variance / SV 17-02 to waive the requirements for submittal of percolation tests and soil profile hole information and road improvements to Vantage Point Court; and, approval of Minor Plat / PL 17-02 with the following eight (8) conditions:

1. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
2. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 4 of Block 4 and proposed Lot 5 of Block 4 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of Building Permit submittal for proposed Lot 4 of Block 4 or proposed Lot 5 of Block 4, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times, in accordance with Pennington County's Ordinance #20;

5. That following platting of proposed Lot 4 of Block 4 and proposed Lot 5 of Block 4, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance and any Plat note(s) relative to on-site wastewater treatment systems;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-02 and Subdivision Regulations Variance / SV 17-02, which is available at the Planning Office.

Bolstad recommended the additional condition state: “That the following Plat notes be added, per the City Preliminary Subdivision Plan File 16PL111 Stipulations #6 and #11, prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations.”

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of Subdivision Regulations Variance / SV 17-02 to waive the requirements for submittal of percolation tests and soil profile hole information and road improvements to Vantage Point Court.

All voting aye, the Motion carried 7 to 0.

Moved by Litzen and seconded by Landers to approve of Minor Plat / PL 17-02 with the following nine (9) conditions:

1. **That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
2. **That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 4 of Block 4**

and proposed Lot 5 of Block 4 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

3. That prior to filing the Plat with the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of Building Permit submittal for proposed Lot 4 of Block 4 or proposed Lot 5 of Block 4, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times, in accordance with Pennington County's Ordinance #20;
5. That following platting of proposed Lot 4 of Block 4 and proposed Lot 5 of Block 4, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance and any Plat note(s) relative to on-site wastewater treatment systems;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked;
8. That the following Plat notes be added, per the City Preliminary Subdivision Plan File 16PL111 Stipulations #6 and #11, prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations; and,
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-02 and Subdivision Regulations Variance / SV 17-02, which is available at the Planning Office.

All voting aye, the Motion carried 7 to 0.

7. MINOR PLAT / PL 17-03 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-03: William and Makaley Parsons. To create Lots A, B, and C of Knotty Pine Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 11 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A, Lot B, and Lot C, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Calendar for discussion.

Staff had originally recommended approval of Subdivision Regulations Variance / SV 17-03 and approval of Minor Plat / PL 17-03 with nine (9) conditions; however, the applicant visited with staff prior to the meeting and stated he would not be proceeding with the subdividing of his property at this time and asked that his applications be withdrawn.

Discussion followed.

Moved by Marsh and seconded by Lasseter to approve of the withdrawal of Subdivision Regulations Variance / SV 17-03 and Minor Plat / PL 17-03, per the applicant's request.

All voting aye, the Motion carried 7 to 0.

9. CONDITIONAL USE PERMIT / CU 17-02: Western Construction, Inc. To allow for a temporary, portable asphalt batch plant and stockpile site on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; E1/2NW1/4; GL1 Less Lot A and Less ROW; E1/2SW1/4; SE1/4; GL3 LESS LOT 5; GL4 Less Lot 5, Less Lots 1, 2, 3 and Less ROW, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the February 13, 2017, Planning Commission meeting.)

Molitor stated this Item was continued from the February 13, 2017, Planning Commission meeting to allow the applicant and staff time to coordinate with the FAA and discuss the plume question, and also have staff follow-up with the entities, who sent the initial comments, that have not responded to the answers yet that the applicant provided; and, to allow the applicant to also do a mock-up of the proposed batch plant at the site, to erect it on-site without operating it, pending approval of the Conditional Use Permit, at their own risk.

Staff recommended approval of Conditional Use Permit / CU 17-02 with the following seventeen (17) conditions:

1. That port-o-potty 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;
2. That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
3. All access to the worksite be via the existing private approach;
4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
6. That all necessary Permits from the Department of Environmental and Natural Resources be obtained, and copies submitted within seven (7) business days of approval of this CUP;
7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition that does not impact airport operations or pose a safety hazard;
8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, berm, etc.) be installed to prevent sediment from leaving the site;
9. That prior to operation portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;
10. That prior to operation of the portable asphalt plant, the applicant notify Rapid City Regional Airport;
11. That a new extension be submitted to the Federal Aviation Administration for their approval and once approved, a copy sent to the Rapid City Regional Airport;

12. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;
13. That no unnecessary ponding of water accumulate that could attractant flocking birds, ducks or geese;
14. Applicant must obtain a Haul Road Agreement from the Pennington County Highway Department within thirty (30) days of approval of this Conditional Use Permit.
15. That the site shall be re-vegetated as required in Section 507-A(5)(c);
16. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-02; and,
17. That this Conditional Use Permit be reviewed on August 28, 2017, or 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 Landers and seconded by Lasseter to approve of Conditional Use Permit / CU 17-02 with the following eighteen (18) conditions:

- 1. That port-o-potty 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;**
- 2. That a temporary address will be assigned to the stockpile and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;**
- 3. All access to the worksite be via the existing private approach;**
- 4. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;**
- 5. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;**

6. That all necessary Permits from the Department of Environmental and Natural Resources be obtained, and copies submitted within seven (7) business days of approval of this CUP;
7. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition that does not impact airport operations or pose a safety hazard;
8. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, berm, etc.) be installed to prevent sediment from leaving the site;
9. That prior to operation portable asphalt plant, the applicant notify Pennington County Emergency Services Communication Center;
10. That prior to operation of the portable asphalt plant, the applicant notify Rapid City Regional Airport;
11. That a new extension be submitted to the Federal Aviation Administration for their approval and once approved, a copy sent to the Rapid City Regional Airport;
12. That all stockpiles of material on the subject property, including equipment being stored on site, shall not exceed a height of 50 feet;
13. That no unnecessary ponding of water accumulate that could attractant flocking birds, ducks or geese;
14. Applicant must obtain a Haul Road Agreement from the Pennington County Highway Department within thirty (30) days of approval of this Conditional Use Permit.
15. That the site shall be re-vegetated as required in Section 507-A(5)(c);
16. That this facility is approved for a temporary 2-year operation and this request end within two years of approval date unless the applicant reapplies for a new Conditional Use Permit for the same request;
17. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-02; and,
18. That this Conditional Use Permit be reviewed on August 28, 2017, or 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 aye, the Motion carried 7 to 0.

10. VACATION OF EASEMENT / VE 17-01: William Grigg / Jennifer Kozel. To vacate 50 feet of an existing No Access Easement located along the interior of Lot 2 of Kozel Subdivision in accordance with the Pennington County Zoning Ordinance.

Lot 2, Kozel Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied to vacate 50 feet of an existing No Access Easement located along the interior of Lot 2 of Kozel Subdivision.

Staff recommended denial of Vacation of Easement / VE 17-01, due to concerns from the Pennington County Highway Department.

However, if the Planning Commission chooses to approve Vacation of Easement / VE 17-01, staff recommended the following four (4) conditions be included:

1. That prior to the Vacation of Easement being filed with the Register of Deeds, the Exhibit Heading be changed to “Lot 2” from Lot2;
2. That prior to the Vacation of Easement being filed with the Register of Deeds, the Exhibit shall be signed by the Registered Professional Surveyor;
3. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed’s Office; and,
4. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 17-01, which is available at the Planning Office.

Discussion followed.

Moved by Lasseter and seconded by Litzen to approve of Vacation of Easement / VE 17-01 with the following five (5) conditions:

- 1. That prior to the Vacation of Easement being filed with the Register of Deeds, the Exhibit Heading be changed to “Lot 2” from Lot2;**
- 2. That prior to the Vacation of Easement being filed with the Register of Deeds, the Exhibit shall be signed by the Registered Professional Surveyor;**
- 3. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed’s Office;**

4. **That prior to the Vacation of Easement being filed with the Register of Deeds, the applicant obtains approval from the Board of Commissioners for a second approach off of Nemo Road; and,**
5. **That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 17-01, which is available at the Planning Office.**

All voting aye, the Motion carried 7 to 0.

11. CONDITIONAL USE PERMIT / CU 16-38: Tom and Terri Haggerty. To allow a townhome on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot E3-E6; Lot F1-F6; Lot G1 Except That Portion of Said Lot Lying East of Co Rd; Lot G2-G5; Lot H5, Warren Lamb Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the December 19, 2016, Planning Commission meeting.)

Rausch stated this Item was continued from the December 19, 2016, Planning Commission meeting until such time the applicants have obtained approval of a Subdivision Regulations Variance to allow a lot to be built on, on Dark Canyon Road, which is a Dead End Road System. Staff noted the State's Attorney's Office and the Rapid City Attorney's Office have come to the conclusion that, since the property is not being platted, the applicant cannot obtain a Subdivision Regulations Variance from Pennington County, per Section 100.2 of the Subdivision Regulations.

Staff recommended denial of Conditional Use Permit / CU 16-38, as Dark Canyon Road already exceeds the maximum 20 units allowed on a Dead End Road. However, if the Planning Commission chooses to approve Conditional Use Permit / CU 16-38, staff recommended the following twelve (12) conditions be included:

1. That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
2. That the property be kept free of debris and junk vehicles;
3. That the addresses be clearly posted on both of the residences and so they are visible from both directions of travel on Dark Canyon Road in accordance with Pennington County's Ordinance #20;
4. That smoke alarms and fire extinguishers be installed and properly maintained in working order in each unit;

5. That the applicant works with the Fire Administrator for fire mitigation and emergency access to the subject property prior to Building Permit submittal;
6. That the applicant obtains an approved On-Site Wastewater Construction Permit from the City of Rapid City prior to a Building Permit application being submitted to the Planning Department;
7. That the two (2) proposed units are located within one (1) attached structure;
8. That the applicant obtains an approved Building Permit prior to any construction of the proposed townhouse;
9. That the minimum setback requirements of Suburban Residential District be maintained on the subject property or an approved Setback Variance be obtained;
10. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
11. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, 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.

Discussion followed.

Moved by Litzen and seconded by Marsh to approve of Conditional Use Permit Conditional Use Permit / CU 16-38 with the following twelve (12) conditions:

- 1. That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;**
- 2. That the property be kept free of debris and junk vehicles;**
- 3. That the addresses be clearly posted on both of the residences and so they are visible from both directions of travel on Dark Canyon Road in accordance with Pennington County's Ordinance #20;**
- 4. That smoke alarms and fire extinguishers be installed and properly maintained in working order in each unit;**

5. That the applicant works with the Fire Administrator for fire mitigation and emergency access to the subject property prior to Building Permit submittal;
6. That the applicant obtains an approved On-Site Wastewater Construction Permit from the City of Rapid City prior to a Building Permit application being submitted to the Planning Department;
7. That the two (2) proposed units are located within one (1) attached structure;
8. That the applicant obtains an approved Building Permit prior to any construction of the proposed townhouse;
9. That the minimum setback requirements of Suburban Residential District be maintained on the subject property or an approved Setback Variance be obtained;
10. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
11. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, 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.

All voting, the Motion carried 5 to 2. Commissioners Marsh, Litzen, Svejnieks, Lasseter, and McCollam voted yes. Commissioners LaCroix and Landers voted no.

12. CONDITIONAL USE PERMIT / CU 16-36: Enola Gorham; Patrick Smith – Agent. To allow for two (2) duplex units on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7 less Lot H1, Stekl Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 13, 2017, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating this item has been continued numerous times in order for the applicant to address concerns staff received regarding their proposed request. Staff noted the applicants originally requested a Conditional Use Permit to allow a multi-family residence on the subject property, and have since amended their plans and are now requesting the Conditional Use Permit to allow for two (2) duplex units on the subject property.

Staff recommended approval of Conditional Use Permit / CU 16-36 with the following fifteen (15) conditions:

1. That a minimum of eight (8) off-street parking spaces (including garages) be provided on-site, with each outdoor parking space measuring a minimum of nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
2. That a “No Parking Zone” be dedicated, with proper signage, on the front of the duplexes to allow emergency vehicle ingress/egress;
3. That the applicant obtains an approved Building Permit prior to the start of any construction for the proposed duplexes;
4. That the applicant provide a surveyed site plan completed by a registered surveyor or engineer upon submittal of a Building Permit for the duplex(es) to ensure that the proper setbacks are met;
5. That the property be kept free of debris and junk vehicles, in accordance with Pennington County Ordinance #106;
6. That the addresses be clearly posted on both of the duplexes and so they are visible from both directions of travel on School Drive in accordance with Pennington County’s Ordinance #20;
7. That the duplexes be fully fire sprinkled, in accordance with the City of Rapid City requirements;
8. That smoke alarms and fire extinguishers be installed and properly maintained in working order in each unit;
9. That an Access Easement be recorded at the Register of Deeds for the shared access upon sale or transfer of Lot 7 less Lot H1 or Lot 6, both of Stekl Subdivision;
10. That the applicant works with the Fire Administrator for emergency access to the subject property prior to Building Permit submittal;
11. That appropriate measures be taken to prevent increased runoff from affecting neighboring property owners;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

13. That the minimum setback requirements of a Suburban Residential District be maintained on the subject property or an approved Setback Variance be obtained prior to construction;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-36, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Planning Commission recessed at 10:59 a.m.

Planning Commission reconvened at 11:06 a.m.

Discussion further followed.

Moved by Lasseter and seconded by Litzen to approve of Conditional Use Permit / CU 16-36, amending Condition #7, with the following fifteen (15) conditions:

- 1. That a minimum of eight (8) off-street parking spaces (including garages) be provided on-site, with each outdoor parking space measuring a minimum of nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;**
- 2. That a “No Parking Zone” be dedicated, with proper signage, on the front of the duplexes to allow emergency vehicle ingress/egress;**
- 3. That the applicant obtains an approved Building Permit prior to the start of any construction for the proposed duplexes;**
- 4. That the applicant provide a surveyed site plan completed by a registered surveyor or engineer upon submittal of a Building Permit for the duplex(es) to ensure that the proper setbacks are met;**
- 5. That the property be kept free of debris and junk vehicles, in accordance with Pennington County Ordinance #106;**
- 6. That the addresses be clearly posted on both of the duplexes and so they are visible from both directions of travel on School Drive in accordance with Pennington County’s Ordinance #20;**

7. That if fire sprinklers are installed in the duplexes, they be in accordance with the City of Rapid City requirements;
8. That smoke alarms and fire extinguishers be installed and properly maintained in working order in each unit;
9. That an Access Easement be recorded at the Register of Deeds for the shared access upon sale or transfer of Lot 7 less Lot H1 or Lot 6, both of Stekl Subdivision;
10. That the applicant works with the Fire Administrator for emergency access to the subject property prior to Building Permit submittal;
11. That appropriate measures be taken to prevent increased runoff from affecting neighboring property owners;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That the minimum setback requirements of a Suburban Residential District be maintained on the subject property or an approved Setback Variance be obtained prior to construction;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-36, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 4 to 3. Commissioners Marsh, Litzen, Lasseter, and McCollam voted yes. Commissioners LaCroix, Svejnieks, and Landers voted no.

13. ORDINANCE AMENDMENT / OA 16-02: Pennington County. To amend Section 103 “Definitions”; Section 205 “General Agriculture District”; Section 206 “Limited Agriculture District”; Section 207 “Low Density Residential District”; Section 208 “Suburban Residential District”; Section 209 “General Commercial District”; Section 210 “Highway Service District”; Section 211 “Light Industrial District”; Section 212 “Heavy Industrial District”; Section 213 “Planned Unit Development District”; Section 317 “Wind Energy Systems” and Section 511 “Fees” of the Pennington County Zoning Ordinance.

(Continued from the February 13, 2017, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the Ordinance Amendment had been continued from the February 13, 2017, Planning Commission meeting in order for staff to perform additional research and to also have a representative available for questions.

Staff recommended approval of Ordinance Amendment / OA 16-02.

Discussion followed.

Moved by Litzen and seconded by Lasseter to approve of Ordinance Amendment / OA 16-02 and to include another footnote for Table 1 to note that documents be filed at the Register of Deeds and also with Table 2 – change 1.1 to 1.5 to include another footnote that documents be filed at the Register of Deeds.

All voting aye, the Motion carried 7 to 0.

14. ORDINANCE AMENDMENT / OA 16-03: Pennington County. To amend Section 103 “Definitions”; Section 204-C “General District Provisions”, Section 205-B and C “General Agriculture District”; Section 206-B “Limited Agriculture District”; Section 207-B “Low Density Residential District”; Section 208-B “Suburban Residential District”; Section 209-B “General Commercial District”; Section 210-B “Highway Service District”; Section 211-B “Light Industrial District”; Section 212-B “Heavy Industrial District”; Section 213-D “Planned Unit Development District”; Section 312 “Signs, Billboards and Other Advertising Structures”; Section 314-C “Temporary Campgrounds and Assemblies of People”; Section 316-H-3 “Telecommunications Facility”; Section 508-B-4 “Zoning or Rezoning”; Section 509-D-3 “Variance”; Section 510-A-3 “Conditional Use Permits”; and Section 511-B “Fees” and Section 511-W-2 “Fees” of the Pennington County Zoning Ordinance.

(Continued from the January 23, 2017, Planning Commission meeting.)

Conover stated this Item was continued January 23, 2017, Planning Commission meeting to address comments that staff received

Staff recommended to continue Ordinance Amendment / OA 16-03 to the March 13, 2017, Planning Commission meeting to allow staff time to incorporate the recommended comments.

Discussion followed.

Moved by Travis and seconded by McCollam to continue Ordinance Amendment / OA 16-03 to the March 13, 2017, Planning Commission meeting to allow staff time to incorporate the recommended comments.

All voting aye, the Motion carried 7 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 13, 2017, Planning Commission meeting.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

A. Planning Department. Conover informed the Planning Commission that Kelsey Rausch's last day with the office is on Wednesday, March 1st.

18. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

19. ADJOURNMENT

Moved by McCollam and seconded by Litzen to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:48 a.m.

Sig Zvejnieks, Chairperson