

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 10, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Lori Litzen, William McCollam, Rich Marsh, Travis Lasseter, Barbara Landers, and Ron Buskerud.

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

ROLL CALL

1. APPROVAL OF THE MARCH 27, 2017, MINUTES
Moved by McCollam and seconded by Lasseter to approve the Minutes of the March 27, 2017, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Marsh and seconded by McCollam to approve the Agenda of the April 10, 2017, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by McCollam and seconded by Landers to approve the Consent Calendar of the April 10, 2017, Planning Commission meeting. 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 85-09:** Donald Malon. To review a home occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1, Dakota Meadows Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 85-09.

Vote: unanimous 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 01-11:** Ronald and Leslie Passons. To review a Bed and Breakfast as a Home Occupation in a Limited Agriculture District in accordance with Section 206-C-3 of the Pennington County Zoning Ordinance.

Lot 2 of Turbo Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 01-11 with the following nine (9) conditions:

1. **That a maximum of three (3) bedrooms be utilized in the bed and breakfast establishment;**
2. **That the business continues 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 be installed in all sleeping rooms and common hallways and tested semi-annually as requested by the Pennington County Fire Coordinator;**
4. **That a 2A-BC dry chemical fire extinguisher continues to be accessible to all guests at all times as requested by the Pennington County Fire Coordinator;**
5. **That a minimum of four (4) 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 applicants continually maintain current licenses with the South Dakota Department of Health (Bed and Breakfast License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
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 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 (17) feet to the nearest street right-of-way line;**
8. **That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation that includes the necessary site plans to be reviewed and approved by the Planning Director; and,**

9. That this Conditional Use Permit be reviewed in five (5) 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.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 10-09:** Leonard and Sally Haberstroh; Jeff Haberstroh – Agent. To review a caretaker’s residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All HES #313, Section 1, T2S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 10-09 with the following five (5) conditions:

1. That the addresses for both the primary residence (13515 Deadman Gulch Road) and the caretaker’s residence (13515 Deadman Gulch Road) continue to be posted in accordance with Ordinance #20 so that they are visible from Deadman Gulch Road and S. Rockerville Road;
2. That the caretaker’s residence be removed from the property once care is no longer needed by Mrs. Haberstroh unless the care for Mr. Haberstroh is needed or the property be subdivided to create a separate lot for the caretaker’s residence;
3. That a new doctor’s note be provided by the applicant if the caretaker’s residence continues to be utilized on the property for the care of Mr. Haberstroh rather than Mrs. Haberstroh;
4. 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; and,
5. That this Conditional Use Permit be reviewed in five (5) 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.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-36:** Donald and Margaret Norton. To review an existing shop building with living quarters to be used as a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the January 9, 2017, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 15-36 to the July 10, 2017, Planning Commission meeting, with the following five (5) conditions:

- 1. That before 5:00 p.m. (Mountain Time), on April 10, 2017, The applicants pay the required continuation fee (per Section 511-X) as approved by the Planning Commission in the Condition #2 of the January 9, 2017, approval or this Conditional Use Permit automatically be revoked.**
- 2. That prior to May 3, 2017, the applicants apply for an On-Site Wastewater Construction Permit;**
- 3. That prior to July 3, 2017, the applicants complete the replacement of the existing septic tank and the new septic tank and drainfield are sized correctly to accommodate the primary residence and the Guest House**
- 4. That the applicants sign a new Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-36, which is available at the Planning Department; and,**
- 5. That Conditional Use Permit / CU 15-36 automatically be revoked if the above-mentioned conditions are not met by July 4, 2017.**

Vote: unanimous 6 to 0.

- 7. MINING PERMIT REVIEW / MP 14-02: Pennington County Highway Department. To review the excavation and extraction of gravel in a General Agriculture District in accordance with Sections 205 and 507 of the Pennington County Zoning Ordinance.**

W1/2 of Section 6, T1N, R12E, BHM, Pennington County, South Dakota.

To approve of the extension of Mining Permit / MP 14-02 with the following twelve (12) 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 be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the Mining Activity;**

3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-45) be continually met;
4. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License to the Planning Director when it is renewed;
5. That any natural drainage ways and paths be continually maintained and culverts added as necessary, in accordance with Pennington County Ordinance #14;
6. That erosion control measures be implemented around the stockpiles to prevent sediment from leaving the site and, in addition, any disturbed areas must have acceptable erosion control measures to prevent surface erosion and sediment leaving the site or entering drainage ways;
7. That prior to any dirt work commencing within the 100-year floodplain, a Floodplain Development Permit be obtained;
8. That site inspections be done at least weekly during the period of construction or monthly, if no construction activity is occurring on the site (temporary stabilization is required if activity on the site is dormant for more than 21 days), and within 24 hours following a storm event of at least 0.5" or a snowmelt event that causes surface erosion and weekly site inspection records shall be submitted to the Planning Director on a monthly basis during the period of construction;
9. That an address be posted in large numbers at the entrance to the pit in accordance with Ordinance #20;
10. That self-contained toilets be provided on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations;
11. That the site shall be revegetated as required in Section 507-A(5)(c); and,
12. That this Mining Permit be reviewed in five (5) years or upon a complaint basis or at the Planning Commission or Board of Commissioner's request.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT / CU 17-07:** Conrad's Signs; Dvorak Real Estate Holdings - Owner. To allow an internally, illuminated sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 2A of Lot 2, Strato Rim Estates, Section 7, T1S, R7E, BHM, Pennington County,

South Dakota.

To approve of Conditional Use Permit / CU 17-07 with the following eight (8) conditions:

- 1. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;**
- 2. That the applicant obtain a Sign Permit for the proposed sign prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;**
- 3. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;**
- 4. That the sign must continually meet a minimum of a five (5) foot setback from the front property lines and maintain proper setbacks from all side and rear property lines;**
- 5. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;**
- 6. That the installation of any other sign(s) on the property may require a separate Sign Permit and a separate Conditional Use Permit;**
- 7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-07, 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 deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditionals of Approval are being met.**

Vote: unanimous 6 to 0.

- 9. REZONE / RZ 17-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-04: Curt Tuhy; Fisk Land Surveying – Agent. To rezone 5.77 acres from Low Density Residential District and Limited Agriculture District to Low Density Residential District and to rezone 10.06 acres from Limited Agriculture District and Low Density Residential District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use to Low Density Residential District and Limited Agriculture District**

located on Lot 2R and Lot 3 of Strato Rim Estates II, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Lot 2R and Lot 3 of Strato Rim Estates II, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Rezone / RZ 17-04 and Comprehensive Plan Amendment / CA 17-04.

Vote: unanimous 6 to 0.

END OF CONSENT CALENDAR

10. 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 March 13, 2017, Planning Commission meeting.)

Conover stated that Staff is working with the State’s Attorney’s Office and performing additional research regarding the proposed Ordinance Amendment.

Staff recommended to continue Ordinance Amendment / OA 16-03 to the May 22, 2017, Planning Commission meeting.

Moved by Marsh and seconded by Litzen to continue Ordinance Amendment / OA 16-03 to the May 22, 2017, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

11. MINOR PLAT / PL 17-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-05: Kelly Development / Ryan Kelly. To create Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision and to waive platting requirements in accordance with Section 400.3 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B less Sheridan Lake Highlands less ROW, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 27, 2017, Planning Commission meeting.)

Conover reviewed the Staff Report indicating this Item had been continued from the March 27, 2017, Planning Commission meeting in order for the applicant to address concerns of the Planning Commission meeting and to provide additional information regarding the water system and wells for the proposed lots.

Staff recommended approval of Subdivision Regulations Variance / SV 17-05 to waive submittal of percolation tests and soil profile information for proposed Lots 3 through 6, Sheridan Lake Highlands Subdivision to be provided with Building Permit Application; and, approval of Minor Plat / PL 17-06 with the following nine (9) conditions:

1. That all the Conditions of Approval from Planned Unit Development / PU 06-09 be followed;
2. That prior to the Plat being recorded with the Register of Deeds, a Major Planned Unit Development Amendment, to address the applicant's changes for PU 06-09, must be approved by the Board of Commissioners;
3. That prior to the Plat being recorded with the Register of Deeds, the applicant provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;
5. That prior to this Minor Plat being recorded with the Register of Deeds for the proposed lots, the applicant provide water supply information for all the proposed lots (Lots 3-6). If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact on the water supply for the existing platted lots within this development;

6. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the plat meets all applicable requirements of the Pennington County Subdivision Regulations or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
7. The prior to the Plat being recorded with the Register of Deeds, the “C:/” file location information, on the bottom right corner of the proposed plat, be removed;
8. The prior to the Plat being recorded with the Register of Deeds, the existing Septic Note, be replaced with the following note: All onsite wastewater treatment systems on the subject lots shall consist of, at a minimum, an advanced treatment unit or mound system and be approved by the South Dakota Department of Environment and Natural Resources and Pennington County. All onsite wastewater treatment systems are 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 system meets all State, County and local regulations”; and,
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-06; the SOU will be available at the Planning Office.

Discussion followed.

Moved by Litzen and seconded by Marsh to approve of Subdivision Regulations Variance / SV 17-05 to waive submittal of percolation tests and soil profile information for proposed Lots 3 through 6, Sheridan Lake Highlands Subdivision to be provided with Building Permit Application.

All voting aye, the Motion carried 6 to 0

Moved by Marsh and seconded by McCollam to approve of Minor Plat / PL 17-06 with the following nine (9) conditions:

- 1. That all the Conditions of Approval from Planned Unit Development / PU 06-09 be followed;**
- 2. That prior to the Plat being recorded with the Register of Deeds, a Major Planned Unit Development Amendment, to address the applicant’s changes for PU 06-09, must be approved by the Board of Commissioners;**
- 3. That prior to the Plat being recorded with the Register of Deeds, the applicant provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental**

Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;

- 4. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;**
- 5. That prior to this Minor Plat being recorded with the Register of Deeds for the proposed lots, the applicant shall provide documentation confirming the current water supply and the distribution system is adequate to handle the increase in use from the four (4) additional lots listed or the applicant provide engineered plans for the increase in use;**
- 6. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the plat meets all applicable requirements of the Pennington County Subdivision Regulations or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
- 7. The prior to the Plat being recorded with the Register of Deeds, the “C:” file location information, on the bottom right corner of the proposed plat, be removed;**
- 8. The prior to the Plat being recorded with the Register of Deeds, the existing Septic Note, be replaced with the following note: All onsite wastewater treatment systems on the subject lots shall consist of, at a minimum, an advanced treatment unit or mound system and be approved by the South Dakota Department of Environment and Natural Resources and Pennington County. All onsite wastewater treatment systems are 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 system meets all State, County and local regulations”; and,**
- 9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-06; the SOU will be available at the Planning Office.**

All voting aye, the Motion carried 6 to 0

12. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 27, 2017, Planning Commission meeting.

FIRST READING AND PUBLIC HEARING OF 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 rezone 10.010 acres from General Agriculture District to Limited Agriculture District.

Motion to approve carried 3-1. Second Reading will be held Tuesday, April 18th.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for March 2017.

B. Comprehensive Plan Workshops. Conover informed the Planning Commission that Matrix will be holding workshops for updating the Comprehensive Plan on Tuesday, April 18th at 6 p.m. in Hill City; Wednesday, April 19th at 6 p.m. in Wall; and Thursday, April 20th at 6 p.m. in Rapid City.

15. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

16. ADJOURNMENT

Moved by Lasseter and seconded by Marsh to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:38 a.m.

Lori Litzen, First Vice-Chairperson