

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 26, 2017 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Brittney Molitor, Michaelae Hoffmann (SAO), Amy Riddering, Frank Waisath, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JUNE 12, 2017, MINUTES
Moved by Lasseter and seconded by Marsh to approve the Minutes of the June 12, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Landers and seconded by Lasseter to approve the Agenda of the June 26, 2017, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Lasseter and seconded by Marsh to approve the Consent Calendar of the June 26, 2017, Planning Commission meeting. Vote: unanimous 5 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 13-09:** Beverly Sears. To review an accessory structure prior to a principal structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 22-23, Block 8, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the May 22, 2017, Planning Commission meeting.)

To end Conditional Use Permit / CU 13-09 with the applicant's concurrence.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 13-10:** Bruce and Sandra Rampelberg. To review a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

The E1/2N1/2N1/2SE1/4NW1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 13-10 with the applicants' concurrence.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-15:** Tom or Lynne Distler. To review a Recreational Vehicle to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 16-15 to the July 24, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-17:** West River Electric; Ross Johnson - Agent. To review the expansion of an existing electrical substation in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of SE1/4SE1/4, Section 25, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-17 with the following nine (9) conditions:

1. **That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;**
2. **That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions on 228th Street;**
3. **That the facility be continually secured with a fence at least seven (7) feet in height;**

4. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
5. That reasonable steps shall be taken to reduce light and sound emissions from the facility;
6. That the installation of any additional electrical stations or items associated with the power line requires review and approval by the Pennington County Planning Department;
7. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;
8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,
9. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.

Vote: unanimous 5 to 0.

7. **CONSTRUCTION PERMIT REVIEW / CU 16-05:** Pennington County Highway Department. To review the reconstruction of a slide area along Kelly Hill Road.

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

To approve of the extension of Construction Permit / CU 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 six (6) months from extension 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 5 to 0.

8. **CONDITIONAL USE PERMIT / CU 17-21:** Cricket Lawn Service. To allow for the storage of equipment for a lawn and landscaping business on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, B and G Subdivision, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the June 12, 2017, Planning Commission meeting.)

To approve of Conditional Use Permit / CU 17-21 with the following fifteen (15) conditions:

1. That all addresses 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 and not be in excess of household size containers;
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 Elk Vale Road from the storage yard;
7. That adequate space is provided for parking in the storage yard;
8. That self-contained 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;
9. That the northern-most approach off of Elk Vale Road be used for entrance and exit to the contractor's equipment storage yard and the approach off of the Private Access Easement to the south of the property be prohibited for use to the contractor's equipment storage yard;
10. That Building Permits, with any applicable penalty fees, be obtained for the storage trailers and attached decks utilized by Cricket Lawn Service within 30 days of approval of this Conditional Use Permit;
11. That applicable fees (which include penalty fees) be paid within seven (7) business days of approval of the Conditional Use Permit;
12. That if any disturbance occurs within the Special flood Hazard Area, a Floodplain Development Permit is obtained prior to the disturbance;
13. That the property is kept free of junk and debris;
14. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-21; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

9. **CONDITIONAL USE PERMIT / CU 17-23:** Cliff Dahl. To allow for an existing accessory structure to remain on the subject property to include the addition of a new pole frame building on the subject property in a Limited Agriculture District in accordance with Section 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Windy Hollow Subdivision, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 17-23 to the July 10, 2017, Planning Commission meeting.

Vote: unanimous 5 to 0.

10. **COMPREHENSIVE PLAN AMENDMENT / CA 17-05:** Kelly Development / Ryan Kelly. To amend the Pennington County Comprehensive Plan to change the Future Land Use from Heavy Industrial District to Planned Unit Development District in accordance with Sections 212, 213, and 508 of the Pennington County Zoning Ordinance.

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

(Continued from the June 12, 2017, Planning Commission meeting.)

To approve of Comprehensive Plan Amendment / CA 17-05.

Vote: unanimous 5 to 0.

END OF CONSENT CALENDAR

11. **LAYOUT PLAT / PL 17-14:** Dave and Nancy Fisher. To combine eight lots in order to create Tract D Revised of the Circle B Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1, 2, 3, 4, 5, and 6; and Tract C and Tract D of Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract D Revised of the Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Layout Plat to combine eight lots in order to create Tract D Revised of the Circle B Ranch Subdivision.

Staff recommended approval of Layout Plat / PL 17-14 with the following twelve (12) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Tract D Revised be Rezoned appropriately;
2. That at the time of new Plat submittal, the Plat heading be corrected to say: Formerly Lots 1 through 6 in Block 2, Tract C, Tract D and Vick Drive of...;
3. That prior to new plat submittal, the existing 40-foot Private Drive be relocated to where Vick Drive currently exists, it still provides access to Lot C of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and the correct location drawn on the plat;
4. That at the time of new Plat submittal, the misspelled words “All” and “Pennington” be corrected in the plat heading;
5. That at the time of new Plat submittal, the heading include the following corrections as requested by the Register of Deeds: “Plat” Book 22, Page 207 and “Plat” Book 25, Page 5;
6. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. 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;
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, on proposed Tract D Revised, and at the approach so they are visible from Vick Drive, in accordance with Pennington County’s Ordinance #20;
10. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-10, which is available at the Planning Office; and,
12. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Zvejnieks and seconded by Landers to approve of Layout Plat / PL 17-14 and to amend the language in Condition #3, with the following twelve (12) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, proposed Tract D Revised be Rezoned appropriately;**
- 2. That at the time of new Plat submittal, the Plat heading be corrected to say: Formerly Lots 1 through 6 in Block 2, Tract C, Tract D and Vick Drive of...;**
- 3. That the revised plat show the correct location of Vick Drive and clearly define property boundaries and existing roads, easements, and Right-of-Ways;**
- 4. That at the time of new Plat submittal, the misspelled words “All” and “Pennington” be corrected in the plat heading;**
- 5. That at the time of new Plat submittal, the heading include the following corrections as requested by the Register of Deeds: “Plat” Book 22, Page 207 and “Plat” Book 25, Page 5;**
- 6. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 7. 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;**
- 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, on proposed Tract D Revised, and at the approach so they are visible from Vick Drive, in accordance with Pennington County’s Ordinance #20;**
- 10. That the applicant ensures that all natural drainage ways are maintained and are not blocked;**
- 11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-10, which is available at the Planning Office; and,**

12. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 5 to 0.

12. REZONE / RZ 17-05: Deborah Munyan. To rezone 31.85 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

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

Conover reviewed the Staff Report indicating the applicant has applied to rezone 31.85 acres from General Agriculture District to Limited Agriculture District.

Staff recommended approval of Rezone / RZ 17-05.

Discussion followed.

Moved by Landers and seconded by Marsh to approve of Rezone / RZ 17-05.

All voting aye, the Motion carried 5 to 0.

13. REZONE / RZ 17-06 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-06: Patrick Foley. To rezone 2.1 acres from General Agriculture District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use to General Commercial District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

That Portion of Lot 2 of Government Lot 1 lying east of Highway 79; Lot AB-1 of Government Lot 1; and Lot AB-2 of Government Lot 1, all located in Section 5, T1S, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 2.1 acres from General Agriculture District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use to General Commercial District.

Staff recommended approval of Rezone / RZ 17-06 and Comprehensive Plan Amendment / CA 17-06.

Discussion followed.

Moved by Marsh and seconded by Lasseter to approve of Rezone / RZ 17-06 and Comprehensive Plan Amendment / CA 17-06.

All voting aye, the Motion carried 5 to 0.

14. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-04: Kelly Development / Ryan Kelly. To amend the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

(Continued from the June 12, 2017, Planning Commission meeting.)

Conover reviewed the Staff Report indicating the applicant has applied to amend the Sheridan Lake Highlands Planned Unit Development.

Staff recommended approval of Major Planned Unit Development Amendment 17-04 with the following twenty-two (22) conditions:

1. That the Planned Unit Development consists of no more than four (4) residential lots;
2. That the minimum size of the residential lots be two (2) acres;
3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That no off-premise signs be allowed within the Planned Unit Development;
6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That no lot is permitted to take access off of Sheridan Lake Road;
10. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;

11. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
12. That subject lots within this PUD remain part of the Sheridan Lake Highlands Road District;
13. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, join and remain part of the existing Homeowner’s Association that was created for Sheridan Lake Highlands;
14. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
15. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
16. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision;
17. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
18. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;
19. That the existing 60-foot x 126-foot accessory structure (built in 1987) be allowed on proposed Lot 3 of Block 4 of Sheridan Lake Highlands Subdivision, and that all future structures meet current Pennington County Zoning Ordinance Standards;
20. That no private wells will be drilled on any individual lots.

21. That the applicant signs the Statement of Understanding (SOU) for this Major Planned Unit Development Amendment, within ten (10) days of its approval. The SOU is available at the Pennington County Planning Department; and,
22. That this Planned Unit Development be reviewed in one (1) year or upon 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 Landers and seconded by Lasseter to continue Major Planned Unit Development Amendment / PU 17-04 to the July 10, 2017, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 12, 2017, meeting.

The Board of Commissioners also made a Motion at their June 20th meeting to move their Wednesday, July 5th meeting to Tuesday, July 11th at 9 a.m.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

A. Comprehensive Plan Update – Video. A video presentation from Matrix, LLC. was shown at the Planning Commission meeting from the June 20th Board of Commissioner's meeting,.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Lasseter stated he may be gone for the Jun 26th PC meeting.

19. ADJOURNMENT

Moved by Marsh and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 10:19 a.m.

Sig Zvejnieks, Chairperson