

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 26, 2018 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Bill McCollam, Lori Litzen (Skype), Sonny Rivers, and Lloyd LaCroix.

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 12, 2018, MINUTES

Moved by McCollam and seconded by Rivers to approve the Minutes of the February 12, 2018, Planning Commission meeting. Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Roll Call Vote: unanimous 5 to 0.

2. APPROVAL OF AGENDA

Moved by Litzen and seconded by McCollam to approve the Agenda of the February 26, 2018, Planning Commission meeting. Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Roll Call Vote: unanimous 5 to 0.

Moved by LaCroix and seconded by Rivers to approve the Consent Calendar of the February 26, 2018, Planning Commission meeting, with the removal of Items #12 and #13. Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Roll Call Vote: unanimous 5 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda 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 Agenda, 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 15-20: Mitch Morris. To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 15-20 to the March 26, 2018, Planning Commission meeting.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-27:** Gene and Carllen Van Der Wert; Collin Goodwin - Agent. To review 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.

Lot K, Brechtel #1, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 16-27 to the March 26, 2018, Planning Commission meeting with three (3) conditions.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-31:** Black Hills Raptor Center. To review a bird education and health facility on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

S800 feet of E350 feet of NW1/4SE1/4 less Right-of-Way, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 16-31 with the following fourteen (14) conditions:

1. **That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;**
2. **That prior to the approval of any Building Permit(s), the applicant obtain written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;**
3. **The prior to the approval of a Building Permit, the applicant meet with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for CU 16-31;**
4. **That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed a total of 3,000 square feet); Semi-heated mews (not**

to exceed a total of 1,120 square feet); Unheated mews (not to exceed a total of 1,120 square feet); Storage and hallway to exterior of mews (not to exceed a total of 840 square feet); Cold storage (not to exceed a total of 1,000 square feet); Heated Storage / workshop (not to exceed a total of 500 square feet); Three (3) Rehab pods (not to exceed a total of 1,600 square feet total); Pole Barn used for flights (not to exceed a total of 6,000 square feet); Residence (not to exceed 1300 square feet); Garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;

5. That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction Storm Water Quality Best Management Practices (Section 203);
6. That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;
7. That the applicant obtains an approved On-Site Wastewater Construction Permit for a septic system designed to handle the Conditional Use prior to the issuance of a Building Permit and that the means of wastewater disposal also be approved by the South Dakota Department of Environment and Natural Resources;
8. That the applicant adheres to all necessary County, State and Federal regulations and maintains the necessary permits to conduct the organization's activities;
9. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;
10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance. An approved Sign Permit will need to be obtained prior to the installation of the sign;
11. That a minimum of twenty-eight (28) off-street parking spaces be provided Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;

12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 16-31, which is available at the Planning Office;
13. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
14. That Conditional Use Permit / CU 16-31 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.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-38:** Tom and Terri Haggerty. To review 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.

To approve of the extension of 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, per § 510(E)(1)(b) of the PCZO, if development of the townhome has not begun by February 27, 2019, CU 16-38 shall automatically be revoked; 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.

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-01:** Albert and Sarah Sutton. To review a Recreation Resort Area on the subject property to include six seasonal cabin rentals and the existing single-family residence to be used as the manager's residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract A, Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-01 with the following eighteen (18) conditions:

1. That the uses of the Conditional Use Permit continue to be limited to six (6) seasonal rental cabins and the existing single-family residence to be used as the manager's residence;
2. That the rental cabins be allowed to operate no more than 180 days per year;
3. That the address and Unit number assigned to the cabins continue to be posted on each cabin and the address for the main residence continue to be posted on the residence on the subject property. All addresses must be posted so they are visible from both the interior roadway and from Campfire Drive, in accordance with Pennington County's Ordinance #20;

4. That the minimum number of required parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310, which requires one (1) parking space per guest bedroom for each cabin;
5. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the PCZO;
6. That the applicant maintains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, a Specialty Resort License from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
7. That the applicant continually maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
8. That the property continually remains free of debris and junk vehicles and all structures be well-maintained;
9. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
10. 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;
11. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
12. That the interior access roads leading to the cabins continue to consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic, and must be maintained in a dust-free manner;
13. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
14. That a smoke detector be maintained in each sleeping room, with a minimum of at least one (1) smoke detector per floor;

15. That portable fire extinguishers continue to be located on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
16. That quiet hours for the Recreation Resort continue to be from 10 p.m. to 8 a.m.;
17. That the applicant is aware of, and continually adheres to all Forest Service requirements; and,
18. That this Conditional Use Permit be reviewed in three (3) 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 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-10:** Maurice and Sonja Crowley. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Copper Oaks #2 Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-10 to the March 26, 2018, Planning Commission meeting with four (4) conditions.

Vote: unanimous 5 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-11:** Gerard and Michele Mlinar; VACO Vacation Rentals, LLC - Agent. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2A, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-11 to the March 26, 2018, Planning Commission meeting with three (3) conditions.

Vote: unanimous 5 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-12:** Debra Pimentel; VACO Vacation Rentals, LLC - Agent. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 13A less Lot H1, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 17-12 to the March 26, 2018, Planning Commission meeting with four (4) conditions.

Vote: unanimous 5 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 17-40:** Richard Burton. To allow for a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4 SW1/4 NE1/4; S1/2 SW1/4 SW1/4 NE1/4; SE1/4 SW1/4 NE1/4; N1/2 N1/2 NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-40 with the following six (6) conditions:

1. **That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;**
2. **That an approved Building Permit be obtained for the caretaker's residence and 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;**
3. **That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or an appropriate Variance be obtained;**
4. **That the subject property remains free of debris and junk vehicles;**
5. **That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,**
6. **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.**

Vote: unanimous 5 to 0.

14. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-01:** Deerfield Cabins, LLC; Deon Wynia. To amend the existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend to continue Major Planned Unit Development Amendment / PU 18-01 to the March 12, 2018, Planning Commission meeting.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

12. **CONSTRUCTION PERMIT REVIEW / CP 17-03:** Mitch Morris. To review the grading of the site and use as a storage area to stockpile soil.

Lot 1 of SW1/4NE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda to note the correction of the description for the Construction Permit.

Staff recommended to continue the review of Construction Permit / CP 17-03 to the March 26, 2018, Planning Commission meeting.

Discussion followed.

Moved by Rivers and seconded by Litzen to continue the review of Construction Permit / CP 17-03 to the March 26, 2018, Planning Commission meeting.

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

13. CONSTRUCTION PERMIT / CP 18-02: Black Hills Energy. To rebuild an existing 230 kV transmission line. The rebuild will consist of approximately 81 miles of 230 kV transmission line from the south Rapid City area to the Nebraska State Line.

Various Sections (secured land easements with private property owners).

Staff asked to have this Item removed from the Consent Agenda to note the correction of the description for the Construction Permit.

Staff recommended approval of Construction Permit / CP 18-02 with eight (8) conditions, but are now recommending to continue Construction Permit / CP 18-02 to the March 12, 2018, Planning Commission meeting for proper notice.

Moved Litzen and seconded by LaCroix to continue Construction Permit / CP 18-02 to the March 12, 2018, Planning Commission meeting for proper notice.

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

15. CONDITIONAL USE PERMIT / CU 17-46: Matt and Donna Bowen. To live in an existing residence while building a new 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.

W1/2; S1/2SE1/4 Less Lot H1, Section 36, T2S, R13E, BHM, Pennington County, South Dakota.

(Continued from the January 8, 2018, Planning Commission meeting.)

Riddering reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in in an existing residence while building a new single-family residence on the subject property.

Staff is seeking guidance on Conditional Use Permit / CU 17-46 to allow the homeowner to live in an existing double-wide mobile home while building a new single-family residence.

If the Planning Commission chooses to approve Conditional Use Permit / CU 17-46, staff recommends the following fourteen (14) conditions be included:

1. That Building Permits, with any applicable penalty fees, be obtained for the silo and feed bin within thirty (30) days of approval of the Conditional Use Permit / CU 17-46 or automatic revocation shall occur;

2. 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;
3. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of Bear Creek Road, in accordance with Pennington County's Ordinance #20;
4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
6. That should the approach for the new single-family residence differ from the existing approach, the applicant must obtain a new Approach Permit from the Highway Department, prior to approval of a Building Permit for the new single-family residence;
7. That upon completion of the new single-family residence, the double-wide mobile home is removed from the property;
8. That the applicant notify the Planning Department when the new single-family residence is habitable and allow staff to verify that the double-wide mobile home is removed from the subject property;
9. That a Removal Permit be obtained prior to removing the double-wide mobile home from the subject property;
10. That the single-family residence and existing double-wide mobile home never utilize the existing septic system at the same time;
11. That the property is kept free of junk and debris;
12. That the landowner signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-46 or face revocation;
13. That applicant comply with §511(X) of the PCZO and if the applicant does not comply with all the Conditions of Approval within thirty (30) days of approval, CU 17-46 automatically end; and,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, Planning Commission, and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed to amend language in Conditions #1 and #14 of the Conditions of Approval.

Moved by McCollam and seconded by Litzen to approve of Conditional Use Permit / CU 17-46, with amended language in Conditions #1 and Condition #14, with the following fourteen (14) conditions.

- 1. That a Building Permit, with any applicable penalty fees, be obtained for the silo within thirty (30) days of approval of the Conditional Use Permit / CU 17-46 and the unpermitted feed bin removed from the subject property by June 30, 2018, or automatic revocation shall occur;**
- 2. 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;**
- 3. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of Bear Creek Road, in accordance with Pennington County's Ordinance #20;**
- 4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);**
- 5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;**
- 6. That should the approach for the new single-family residence differ from the existing approach, the applicant must obtain a new Approach Permit from the Highway Department, prior to approval of a Building Permit for the new single-family residence;**
- 7. That upon completion of the new single-family residence, the double-wide mobile home is removed from the property;**
- 8. That the applicant notify the Planning Department when the new single-family residence is habitable and allow staff to verify that the double-wide mobile home is removed from the subject property;**
- 9. That a Removal Permit be obtained prior to removing the double-wide mobile home from the subject property;**
- 10. That the single-family residence and existing double-wide mobile home never utilize the existing septic system at the same time;**

11. **That the property is kept free of junk and debris;**
12. **That the landowner signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-46 or face revocation;**
13. **That applicant comply with §511(X) of the PCZO and if the applicant does not comply with all the Conditions of Approval within thirty (30) days of approval, CU 17-46 automatically end; and,**
14. **That this Conditional Use Permit be reviewed at the July 9, 2018, Planning Commission meeting, on a complaint basis, or as directed by the Planning Director, Planning Commission, and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

16. ORDINANCE AMENDMENT / OA 18-01: Pennington County. To amend Section 204-J-3-P-Requirements “On-Site Wastewater Treatment Systems” of the Pennington County Zoning Ordinance.

Molitor stated that staff had originally recommended approval of Ordinance Amendment / OA 18-01, but is now recommending the item be continued to the March 12, 2018, Planning Commission meeting.

Moved by LaCroix and seconded by Rivers to continue Ordinance Amendment / OA 18-01 to the March 12, 2018, Planning Commission meeting.

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

17. ORDINANCE AMENDMENT / OA 18-02: Pennington County. To amend Section 204-J-3-P-Service Providers, O&M “On-Site Wastewater Treatment Systems” of the Pennington County Zoning Ordinance.

Molitor stated that staff had originally recommended approval of Ordinance Amendment / OA 18-02, but is now recommending the item be continued to the March 12, 2018, Planning Commission meeting.

Moved by LaCroix and seconded by Rivers to continue Ordinance Amendment / OA 18-02 to the March 12, 2018, Planning Commission meeting.

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

18. DISCUSSION OF MOTION FOR PLANNING COMMISSION MEMBERS TO BE PRESENT AT THE MARCH 20TH BOC MEETING FOR THE PRESENTATION OF THE UPDATED COMPREHENSIVE PLAN BY MATRIX.

Moved by Litzen and seconded Rivers to approve Planning Commission members to be present at the March 20, 2018, Board of Commissioners meeting to hear the Comprehensive Plan presentation by Matrix Consulting.

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 12, 2018, Planning Commission meeting.

ORDINANCE AMENDMENT / OA 17-02: Pennington County. The First Reading of the Ordinance Amendment was approved at the February 20th BOC meeting and a Public Hearing / Workshop for the Ordinance Amendment was held on Friday, February 23rd at 4 p.m., with a Second Reading of Ordinance Amendment / OA 17-02 on Tuesday, February 27th at 9 a.m.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

Moved by Litzen and seconded by McCollam to reconsider Item 13 - CONSTRUCTION PERMIT / CP 18-02: Black Hills Energy.

Roll Call Vote: Litzen – aye, LaCroix – nay, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 4 to 1.

13. RECONSIDERATION OF CONSTRUCTION PERMIT / CP 18-02: Black Hills Energy. To rebuild an existing 230 kV transmission line. The rebuild will consist of approximately 81 miles of 230 kV transmission line from the south Rapid City area to the Nebraska State Line.

Various Sections (secured land easements with private property owners).

Staff recommended approval of Construction Permit / CP 18-02 with eight (8) conditions.

Moved by Litzen and seconded by McCollam to reconsider and approve Construction Permit / CP 18-02 with the eight (8) conditions, so that Black Hills Energy may start work on March 6, 2018, and further noted that there was an error in publication.

Roll Call Vote: Litzen – aye, LaCroix – nay, Marsh – aye, McCollam, - aye and Rivers - nay. Motion failed 3 to 2.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Rivers and seconded by Litzen to place Construction Permit / CP 18-02 on the March 6, 2018, Board of Commissioner’s Agenda, for proper notice, and recommend approval 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 §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 weed free seed or mulch when re-seeding. Any equipment coming onto site is clean of earthen material and noxious weeds;
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.

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

21. ITEMS FROM THE STAFF

A. Comprehensive Plan Update. Conover informed the Planning Commission of upcoming Comprehensive Plan Meeting presentations that Matrix will be hosting, which are scheduled for Monday, March 20th at 9 a.m. for the Board of Commissioners meeting; Tuesday, March 20th at 6 p.m. at the Hill City High School Theater; Wednesday, March 21st at 6 p.m. at the Wall Community Center; and Thursday, March 22nd at 6 p.m. at the Black Hills State University, Rapid City Campus.

22. ITEMS FROM THE MEMBERSHIP

Commissioner LaCroix thanked the Planning Commission and the Planning Department Staff for their work on the Mining Ordinance.

Commissioner Marsh stated he will not be at the March 26th PC meeting.

23. ADJOURNMENT

Moved by McCollam and seconded by LaCroix to adjourn.

Roll Call Vote: Litzen – aye, LaCroix – aye, Marsh – aye, McCollam, - aye and Rivers - aye. Motion carried 5 to 0.

The meeting adjourned at 10:02 a.m.

Rich Marsh, Second Vice Chairperson