

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 24, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Rich Marsh, Jim Coleman, Kathy Johnson, Sandra Runde, Sonny Rivers, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Kristina Proietti, Cody Sack, Jason Theunissen, Michaele Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JUNE 10, 2019, MINUTES
Moved by Runde and seconded by Marsh to approve the Minutes of the June 10, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Rivers to approve the Agenda of the June 24, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Runde and seconded by Johnson to approve the Consent Agenda of the June 24, 2019, Planning Commission meeting, with the removal of Items #22 and #23. Vote: unanimous 7 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 04-46:** A & B Ranch, Inc.; Brian Barber - Agent. To review a metal fabrication business as a home occupation in a General Agriculture District in accordance with Sections 204, 205-C-6, and 510 of the Pennington County Zoning Ordinance.

SW1/4 less ROW; S1/2SW1/4NW1/4 less ROW; SW1/4SE1/4NW1/4; SW1/4 SE1/4 SE1/4NW1/4; S1/2SE1/4SE1/4SE1/4NW1/4, Section 9, T2S, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 04-46 with the following eleven (11) conditions:

1. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director;
2. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use;
3. That a maximum of one (1) employee not residing on the premises or employed as a ranch hand may be employed by the home occupation;
4. That stock or trade stored outside the enclosed structures located on the property shall be arranged in an organized manner, not to create safety, fire or vermin hazard;
5. That the applicant ensures all trucks delivering metal or fabricated tanks are of legal axle weights and obey all seasonal load limits;
6. That a minimum of four (4) off-street parking spaces be provided in accordance with Section 310(A)(9)(t) of the Pennington County Zoning Ordinance. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
7. That the applicant maintains the outside area in a weed free manner as to prevent create safety, fire or vermin hazard;
8. That the applicant has a minimum of three (3) 20# ABC fire extinguishers and they are to be kept in the area were tank fabrication is being conducted;
9. That the applicant have all operations and material associated with the home occupation inside the existing shop structure, utilize flood proofing methods specified in the Flood Damage Prevention Ordinance or obtain a Floodplain Development Permit;
10. That the home occupation be limited to a metal fabrication business. Any expansion beyond this would require the Conditional Use Permit to be reviewed; and,
11. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all the Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 08-07:** Marilyn Welch. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 37, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the May 13, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 08-07 with the following five (5) conditions:

1. **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;**
2. **That the applicant limits the number of horses on Lot 37 to one (1);**
3. **That the manufactured home continues to have a peaked nonreflective-type roof, and wood or simulated wood-type siding;**
4. **That the property remains free of debris and junk vehicles; and,**
5. **That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.**

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 08-48:** Spring Creek Premier Property / Cody Schad. To review accessory structures (garage and pump house) without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the June 10, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 08-48.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 11-02:** Jeff DeVeney. To review an internally illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 11-02 to the July 22, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-27:** Gene and Carllen Van Der Wert. 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 approve of the extension of Conditional Use Permit / CU 16-27 with the following fourteen (14) conditions:

1. **That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
2. **That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
3. **That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;**
4. **That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;**
5. **That the applicants continually maintain 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;**

6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
8. That the lot address (24003 Pink Cabin Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Sheralin Groves, or their contact information changed, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
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 each review of Conditional Use Permit / CU 16-27, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
14. 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 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-03:** McDaniel Trust; Susan McDaniel. To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 17-03 with the applicant's concurrence.

Vote: unanimous 7 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-46:** Matt and Donna Bowen. To review living 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.

To end Conditional Use Permit / CU 17-46.

Vote: unanimous 7 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-07:** Tim McTavish. To review five (5) illuminated, on-premise signs 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 3, The Forks at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-07 with the following six (6) conditions:

1. **That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, 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 additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;**
3. **That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;**

4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
5. That the four (4) approved Sign Permits be amended to indicate that the signs are illuminated prior to any lighting being installed; and,
6. That this Conditional Use Permit be reviewed at the May 25, 2020, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissions to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To allow an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the May 28, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 18-10 with the following eight (8) conditions:

1. That the applicant obtains a setback Variance within three (3) months of approval of the extension of this Conditional Use Permit for the existing garage on Lot 8 or move/remove the structure;
2. That the applicant stays familiar with Pennington County Zoning Ordinance § 301 (Airport Height and Hazard Zoning) and § 315 (Development Standards for Ellsworth Air Force Installation Compatibility Use Area) regarding future development of the existing properties involved in CU 18-10;
3. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
4. 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;
5. That all local, state, and federal requirements for construction of the pole building and any other structures on the subject property be met;
6. That the subject property remains free of debris and junk vehicles;

7. That the accessory structures be used for personal use only and no commercial-type uses and not for living space; and,
8. That this Conditional Use Permit be reviewed in three (3) months in order for the applicant to have time to apply for a Variance or move the existing structure, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-18:** Randy Dowdy and Laura Luthy. To review a rental home park on the subject property to include four (4) existing mobile home rental units and to allow an additional ten (10) rental units, which would include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

W1/2W1/2SE1/4SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-18 with the following nineteen (19) conditions:

1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor's homes, and one (1) residence to be used as the caretaker/manager's residence;
2. That the rental home park continually have a caretaker or manager's residence on-site and it be appropriately identified as such;
3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;
4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;
6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;

7. That prior to issuance of Building Permits for any of the proposed additional residences, the interior access road be named, access be consolidated to one (1) point, and all existing and future rental units be addressed off of the proposed interior roadway;
8. That the four (4) existing rental units have their physical addresses verified and/or assigned, and added into the GIS system. ½ number addresses will not be allowed;
9. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant provide the Planning Department with a Class I water system operator certification and State approved plans;
10. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant meet with West River Electric to discuss the layout for the utilities and provide written approval from West River Electric to the Planning Department;
11. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;
12. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
13. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
14. 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 Pennington County Zoning Ordinance (PCZO);
15. That the property remains free of debris and junk vehicles and all structures be well-maintained;
16. That all existing drainage ways be maintained and 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;

17. That an approved Building Permit be obtained for each new residence prior to construction and 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;
18. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property; and,
19. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

13. **CONDITIONAL USE PERMIT REVIEW / CU 18-19:** Greg Bolt. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 18-19 to the July 22, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

14. **CONDITIONAL USE PERMIT REVIEW / CU 18-20:** William and Corissa Busse. To review an existing shop building with living quarters to be used as a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 8, Feay Reder Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-20 with the following sixteen (16) conditions:

1. That only the existing one (1) bedroom shop with living quarters be allowed to be utilized as a Vacation Home Rental on the subject property;
2. That the maximum overnight occupancy of the VHR, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);

3. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
4. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That each review of Conditional Use Permit / CU 18-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That the applicant continually maintain licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department;
7. That the applicant continually maintain 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 upon request;
8. That a minimum of one (1) off-street parking spaces continue to be provided on-site for the VHR, per PCZO § 310(A)(9)(gg), measuring a minimum of 9-foot by 18-foot and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
10. That the property addresses continue to be clearly posted on the property so it is visible from both directions along Sheridan Lake Road, in accordance to Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from William Busse, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;

14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
15. 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; and,
16. 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 7 to 0.

15. **CONDITIONAL USE PERMIT REVIEW / CU 18-44:** Edward McMahon. To review a Ranch Hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4 less Lot H1 and Lot H2; NW1/4; NE1/4SW1/4; S1/2SW1/4; NW1/4SE1/4 less Lot H1 and Lot H2, Section 17, T1S, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-44 with the following seven (7) conditions:

1. That the addresses for both the existing house and ranch hand's residence continue to be posted, in accordance with Pennington County's Ordinance #20;
2. That a Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area;
3. 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;
4. That the applicant sign a "Ranch Hand's Statement" verifying that he is directly engaged in the operation of the farm or ranch located on the property;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That the residence be occupied by a Ranch Hand or used as housing for daily help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property; and,

7. That this Conditional Use Permit be reviewed in two (2) years, 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 7 to 0.

16. **CONDITIONAL USE PERMIT / CU 19-15:** Samuel G. Fullerton III. To allow for a caretaker's residence on the subject property after a single-family residence is built in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 19-15 to the July 8, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

17. **CONSTRUCTION PERMIT REVIEW / CP 15-15:** Flack Trucking, Inc. To review the continuation of stockpiling soil, leveling the plowed fields, and removing soil from the property. The disturbed area is being returned to farm ground.

Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Construction Permit / CP 15-15 with the following eleven (11) conditions:

1. That the approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. That a Haul Road Agreement from the County Highway Department be obtained, if necessary;
3. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;

6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
7. That the applicant use the south approach off of Bennett Road to access the site;
8. That any natural drainage ways and paths be continually maintained;
9. That any monuments establishing property boundaries be replaced as necessary;
10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
11. That this Construction Permits expires one (1) year from the approval date and may be reviewed upon the request of the Planning Director.

Vote: unanimous 7 to 0.

18. **CONSTRUCTION PERMIT REVIEW/ CP 17-03:** Mitch Morris. To review the grading of the site, use as a storage area to stockpile soil and concrete debris, and to make improvements to a drainage channel.

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

To approve of the extension of Construction Permit / CP 17-03 with the following eight (8) conditions:

1. That erosion control measures implemented immediately and are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the applicant obtains and adheres to any permit(s) required by the Army Corps of Engineers;
3. If the construction site exceeds one (1) acre, 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;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. 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;

6. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
7. That the disturbed areas be re-vegetated as required in Section 507- A(5)(c); and,
8. That this Construction Permit be reviewed in six (6) months or as directed by the Planning Director.

Vote: unanimous 7 to 0.

19. **CONSTRUCTION PERMIT REVIEW / CP 17-09:** City of Rapid City; Banner Associates – Agent. To review the installation of a 12 inch water main to provide water quality and supply looping capabilities to the East Rapid Water Users Region and Rapid City Regional Airport.

Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

To end Construction Permit / CP 17-09.

Vote: unanimous 7 to 0.

20. **CONSTRUCTION PERMIT REVIEW / CP 19-02:** Site Work Specialists, Inc. To review the construction of a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts, and to add a common utility trench for power and communications.

NE1/4NE1/4, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the May 28, 2019, Planning Commission meeting.)

To continue the review of Construction Permit / CP 19-02 to the August 26, 2019, Planning Commission meeting with twelve (12) conditions.

Vote: unanimous 7 to 0.

21. **CONSTRUCTION PERMIT / CP 19-08:** Mitch Morris. To repair an existing dam.

W1/2, Section 33, T1N, R8E, BHM, Pennington County, South Dakota.

To continue Construction Permit / CP 19-08 to the September 23, 2019, Planning Commission meeting with six (6) conditions.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

22. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-02: Thomas Skoog. To review an amendment to the existing Trailwood Village Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks, to allow the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to allow the sales of used vehicles on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot C, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Commissioner Johnson asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Minor Planned Unit Development Amendment / PU 18-02 with fifteen (15) conditions.

Discussion followed.

Moved by Johnson and seconded by Rivers to approve of the extension of Minor Planned Unit Development Amendment / PU 18-02 with the following fifteen (15) conditions:

- 1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;**
- 2. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;**
- 3. That the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 on the structure or tent where fireworks are being sold;**
- 4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;**
- 5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;**
- 6. That prior to approval of a Building Permit for a commercial structure on Lot C of Trailwood Village, the applicant have an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;**

7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;
8. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
9. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
10. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
11. That no parking be allowed along the frontage roads;
12. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance;
13. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
14. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law, unless stored in a secured, permanent building; and,
15. That this Minor Planned Unit Development Amendment 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.

All voting aye, the Motion carried 7 to 0.

23. MINOR PLAT / MPL 19-16: John and Ann Hovdenes; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: UNPLAT PT of N1/2NE1/4 NE1/4 Lying N of HWY; UNPLAT PT of N1/2S1/2NE1/4NE1/4 Lying N of HWY, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Ms. Janelle Finck, Agent for Fisk Land Surveying, appeared and asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of Minor Plat / MPL 19-16 with the following nine (9) conditions:

1. That upon filing the Plat with the Register of Deeds, 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;
2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 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;
3. That upon filing the plat with the Register of Deeds, the plat show all existing powerlines on the subject property;
4. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
5. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
6. That prior to any work being done on the existing property or Lot 1 or Lot 2 of Cosmos Subdivision, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;
7. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 and Lot 2 of Cosmos Subdivision be in compliance with Pennington County Zoning Ordinances;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

Moved by Hadcock and seconded by Runde to approve of Minor Plat / MPL 19-16 with the following eight (8) conditions:

- 1. That upon filing the Plat with the Register of Deeds, the six (6) foot Minor Drainage and Utility Easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That upon filing the Plat with the Register of Deeds, the plat continues to comply to meet all requirements of § 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;**
- 3. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;**
- 4. That at the time of Minor Plat submittal, the plat continues to comply to meet all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
- 5. That prior to any work being done on the existing property or Lot 1 or Lot 2 of Cosmos Subdivision, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;**
- 6. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 and Lot 2 of Cosmos Subdivision be in compliance with Pennington County Zoning Ordinances;**
- 7. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,**
- 8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

All voting aye, the Motion carried 7 to 0.

24. CONDITIONAL USE PERMIT / CU 19-11: Paul and Rebecca Freidel. To allow a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Cedar Gulch Subdivision, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the June 10, 2019, Planning Commission meeting.)

Jason Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Guest House on the subject property.

Staff recommended approval of Conditional Use Permit / CU 19-11 with the following eleven (11) conditions:

1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);
6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That prior to any Building Permit for the Guest House being applied for, any On-site Wastewater Treatment System must be in compliance with PCZO § 318 and §204 (J), and be approved by the Pennington County Environmental Planner;
8. That both of the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Longhorn Court, in accordance with Pennington County Ordinance #20;
9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;
10. 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,
11. That this Conditional Use Permit be reviewed in one (1) year, 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.

Discussion followed.

Moved by Marsh and Johnson to approve of Conditional Use Permit / CU 19-11 with the following eleven (11) conditions:

- 1 That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);**
- 2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;**
- 3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;**
- 4. That the Guest House shall not be used for more than 180 days per calendar year;**
- 5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);**
- 6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;**
- 7. That prior to any Building Permit for the Guest House being applied for, any On-site Wastewater Treatment System must be in compliance with PCZO § 318 and §204 (J), and be approved by the Pennington County Environmental Planner;**
- 8. That both of the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Longhorn Court, in accordance with Pennington County Ordinance #20;**
- 9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;**
- 10. 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,**

11. **That this Conditional Use Permit be reviewed in one (1) year, 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.**

All voting aye, the Motion carried 7 to 0.

25. LAYOUT PLAT / LPL 19-17: Brian and Summer Boock. To reconfigure lot lines to create Lots 12R and 13R of Block 12 of The Ranch at Black Gap in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 12, Lot 13, and Lot 14 of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 12R and Lot 13R of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicants applied for a Layout Plat to reconfigure lot lines to create Lots 12R and 13R of Block 12 of The Ranch at Black Gap.

Staff recommended approval of Layout Plan / LPL 19-17 with the following seven (7) conditions:

1. That at the time of the Minor Plat submittal, the Plat title be amended per Department of Equalization comments;
2. That at the time of the Minor Plat submittal, the Plat include the following note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location;
3. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

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

Discussion followed.

Moved by Marsh and seconded by Rivers to approve of Layout Plan / LPL 19-17 with the following seven (7) conditions:

1. That at the time of the Minor Plat submittal, the Plat title be amended per Department of Equalization comments;
2. That at the time of the Minor Plat submittal, the Plat include the following note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location;
3. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 7 to 0.

26. MINOR PLAT / MPL 19-18 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-05: Lorin Lippert. To reconfigure lot lines to create Lot 10R and Lot 11 of Bromegrass Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 10 of Bromegrass Subdivision and SW1/4SE1/4; SE1/4SW1/4, all located in Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10R and Lot 11 of Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to reconfigure lot lines to create Lot 10R and Lot 11 of Bromegrass Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 19-05 to waive submittal of percolation tests and soil profile hole information and to not improve the Section Line located on the southern property line of proposed Lot 11; and, approval of Minor Plat / MPL 19-18 with the following seven (7) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lot 10R meets County requirements by way of an approved Lot Size Variance or Rezoning;
2. That prior to filing the Plat with the Register of Deeds, the Certificate of Ownership be amended per Register of Deeds and Staff's clarifying comments;
3. That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Antelope Creek Road;
4. That the applicant ensures a turnaround is installed at the temporary dead end of the road constructed on the Section Line Right-Of-Way, per Pennington County Subdivision Regulations §500.5(2)(a);
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
7. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area.

Discussion followed.

Moved by Marsh and seconded by Rivers to approve of Minor Plat / MPL 19-18 with the following seven (7) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lot 10R meets County requirements by way of an approved Lot Size Variance or Rezoning;**
- 2. That prior to filing the Plat with the Register of Deeds, the Certificate of Ownership be amended per Register of Deeds and Staff's clarifying comments;**

3. That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Antelope Creek Road;
4. That the applicant ensures a turnaround is installed at the temporary dead end of the road constructed on the Section Line Right-Of-Way, per Pennington County Subdivision Regulations §500.5(2)(a);
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
7. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area.

All voting aye, the Motion carried 7 to 0.

Moved by Johnson and seconded by Marsh to approve of Subdivision Regulations Variance / SV 19-05 to waive submittal of percolation tests and soil profile hole information and to not improve the Section Line located on the southern property line for proposed Lot 11.

All voting aye, the Motion carried 7 to 0.

27. REZONE / RZ 19-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-07: Lorin Lippert. To rezone 35.452 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

LEGAL DESCRIPTION: Commencing at the Northeasterly corner of Lot 10 of Bromegrass Subdivision, common with the Southeasterly corner of Lot 9 of Bromegrass Subdivision, and the point of beginning of the subject property as surveyed, thence S 89°43'20" E, a distance of 1,347.99 feet along the northerly boundary of said Lot 10 common with the southerly line of said Lot 9 to an angle point common with Lot 8, Lot 9, and Lot 10 of Bromegrass Subdivision, thence S 00°00'00" W along the easterly boundary of Lot 10 of Bromegrass a distance of 189.12 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence S 34°48'11" E a distance of 160.00 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence S 74°32'32" E a distance of 127.63 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of

Bromegrass Subdivision, thence N 26°33'09" E a distance of 363.10 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southeasterly boundary of Lot 8 of Bromegrass Subdivision, thence N 00°00'00" E a distance of 240.00 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southeasterly boundary of Lot 8 of Bromegrass Subdivision, thence N 55°06'52" E a distance of 263.04 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southerly boundary of Lot 8 of Bromegrass Subdivision, thence S 81°19'12" E a distance of 269.72 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southerly boundary of Lot 8, and common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 67°50'06" E a distance of 87.94 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 00°33'47" E a distance of 260.42 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 33°16'24" W a distance of 295.03 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the Southwesterly corner of Lot 5 of Bromegrass Subdivision and common with the northwesterly corner of Lot 7 of Bromegrass Subdivision, thence S 42°51'38" W a distance of 394.56 feet to an angle point on the easterly boundary of Bromegrass Subdivision, common with the westerly boundary of Lot 7 of Bromegrass Subdivision, thence S 19°54'53" W a distance of 236.72 feet to a random point on the easterly boundary of Lot 10 of Bromegrass Subdivision, a random point on the westerly boundary of Lot 7 of Bromegrass Subdivision, thence N 89°41'13" W a distance of 1,780.97 feet to a random point on the westerly boundary of Lot 10 of Bromegrass Subdivision, thence N 00°03'49" E along the westerly boundary of Lot 10 of Bromegrass Subdivision a distance of 728.82 feet to the Northeasterly corner of Lot 10 of Bromegrass Subdivision, common with the Southeasterly corner of Lot 9 of Bromegrass Subdivision, and the point of beginning, Said Parcel contains 1,544,279 square feet or 35.452 acres more or less; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to rezone 35.452 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District.

Staff recommended approval of Rezone / RZ 19-07 and Comprehensive Plan Amendment / CA 19-07.

Discussion followed.

Moved by Hadcock and seconded by Marsh to approve of Rezone / RZ 19-07 and Comprehensive Plan Amendment / CA 19-07.

All voting aye, the Motion carried 7 to 0.

28. CONSTRUCTION PERMIT / CP 18-10: Cross Country Real Estate. To grade in order to flatten the area to receive 4" gravel for a new parking lot.

Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E of HWY ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the February 25, 2019, Planning Commission meeting.)

Molitor provide an updated regarding Construction Permit / CP 18-10 and staff recommended that a decision is not made on Construction Permit / CP 18-10 until such time grading and elevation information (pre- and post-construction) and the requested drainage study is received by the Planning Department from the applicant. When required information is received and reviewed by Staff and the Planning Director, the Planning Director can make a decision regarding this request.

Moved by Hadcock and seconded by Marsh to acknowledge the update from Staff regarding Construction Permit / CP 18-10.

All voting aye, the Motion carried 7 to 0.

29. LAYOUT PLAT / LPL 19-15: Terry and Marcia Graber. To create three new parcels in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4NE1/4NW1/4 SE1/4 NE1/4; S1/2SW1/4 NW1/4SE1/4NE1/4; SE1/4 NW1/4SE1/4NE1/4; NE1/4SE1/4NE1/4; S1/2S E1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: NW1/4SE1/4NW1/4 SE1/4NE1/4; NE1/4NE1/4 SE1/4NE1/4; NE1/4 NW1/4NE1/4SE1/4NE1/4; and SE1/4NE1/4 SE1/4NE1/4; S1/2SW1/4NW1/4 SE1/4NE1/4; N1/2 NW1/4SE1/4SE1/4NE1/4; N1/2NE1/4SE1/4 SE1/4 NE1/4; NE1/4NE1/4SW1/4SE1/4NE1/4; SE1/4 SE1/4NW1/4SE1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants would like to create three new parcels.

Staff recommended to continue Layout Plat / LPL 19-15 to the July 8, 2019, Planning Commission meeting, with the applicants' concurrence.

Discussion followed.

Moved by Marsh and seconded by Runde to continue Layout Plat / LPL 19-15 to the July 8, 2019, Planning Commission meeting with the applicants' concurrence.

All voting aye, the Motion carried 7 to 0.

30. TELECOMMUNICATIONS FACILITY PERMIT / TC 19-01: AT&T, New Cingular Wireless. To allow for a 400 foot guyed telecommunications tower and equipment shelter in a General Agriculture District in accordance with Sections 205 and 316 of the Pennington County Zoning Ordinance.

Lot 2, Castle Creek Estates, Section 35, T1N, R2E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Telecommunications Facility Permit to allow for a 400 foot guyed telecommunications tower and equipment shelter in a General Agriculture District.

Staff recommended approval of the withdrawal of Telecommunications Facility Permit / TC 19-01, per the applicant's request.

Moved by Hadcock and seconded by Marsh to approve of the withdrawal of Telecommunications Facility Permit / TC 19-01, per the applicant's request.

All voting aye, the Motion carried 7 to 0.

31. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.

(Continued from the June 10, 2019, Planning Commission meeting.)

Conover reviewed that this is an Ordinance Amendment to amend/adopt the Pennington County Comprehensive Plan.

Staff recommended to continue Ordinance Amendment / OA 19-01 to the July 8, 2019, Planning Commission meeting.

Discussion followed.

Moved by Hadcock and seconded by Runde to continue Ordinance Amendment / OA 19-01 to the July 8, 2019, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

32. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 10, 2019, Planning Commission meeting.

Appeal of Conditional Use Permit 19-06: Big Game Storage, LLC; Chris Peterson to allow a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District was approved by the Board of Commissioners on June 18th.

33. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

34. ITEMS FROM THE STAFF

- A. Planning Commission Memberships. Conover congratulated Planning Commissioners Travis Lasseter and Rich Marsh on their reappointments to the Planning Commission.
- B. New Planning Department Employee. Bolstad introduced Dwayne Allen as the new Ordinance Enforcement Officer.

35. ITEMS FROM THE MEMBERSHIP

Commissioner Coleman stated he will not be at the July 8th meeting, and, Commissioner Lasseter stated he will not be at the July 22nd meeting.

36. ADJOURNMENT

Moved by Hadcock and seconded by Johnson to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:11 a.m.

Travis Lasseter, Chairperson