

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
September 23, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Jim Coleman, Sandra Runde, Ron Rossknecht.

STAFF PRESENT: Cassie Bolstad, Brittney Molitor, PJ Conover, Cody Sack, TJ Doreff, Jason Theunissen, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 9, 2019, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the August 9, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Coleman to approve the Agenda of the September 23, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Rossknecht and seconded by Lasseter to approve the Consent Agenda of the September 23, 2019, Planning Commission meeting. 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-26:** Mark and Mary Hansen. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 28, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 12-26 with the following twelve (12) conditions:

1. **That no RVs, trailers, or campers be occupied or used as living quarters on the subject property;**

2. That the maximum overnight occupancy continue to be twelve (12) people and the maximum daytime occupancy be eighteen (18) people;
3. 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;
4. That a minimum of four (4) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen (18) feet and maintained in a dust-free manner;
5. 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;
6. That no outside fires or fire pits be allowed on the property;
7. That the lot address (120 Heidelberg Lane) 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 Heidelberg Lane, in accordance with Pennington County's Ordinance #20;
8. That if the person designated as the Local Contact is ever changed from Executive Lodging, the interior informational sign be updated and the applicant re-notify the Planning Department and the surrounding landowners within 500 feet via First Class Mail;
9. That a sign be continually posted at the end of the driveway, providing contact information for the Local Contact (Executive Lodging);
10. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
11. That each review of Conditional Use Permit / CU 16-26, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
12. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-14:** Darrell and Mary Harkin. To review a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the August 26, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 15-14 to the October 28, 2019, Planning Commission meeting to allow the applicant time to obtain a Building Permit for the existing double-wide mobile home.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To review 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 June 24, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 18-10 to the October 28, 2019, Planning Commission with the following one (1) condition:

1. **That additional continuations of this request will be subject to the \$100.00 continuation fee in accordance with Pennington County Zoning Ordinance § 511 (X).**

Vote: unanimous 5 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-29:** Denny and Lea Henrikson. To review living in an existing shop building, while building single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 10, Back Country Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the August 26, 2019, Planning Commission meeting.)

To end Conditional Use Permit / CU 18-29, with the applicant's concurrence, as it is no longer needed.

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-34:** Doug and Vicky Dahl. To review a second 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.

The SE1/4, Section 30, T3N, R16E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-34 with the following nine (9) conditions:

1. **That the addresses for both the existing single-family residence and ranch hand's residence and the proposed ranch hand's residence be posted, in accordance with Pennington County's Ordinance #20;**
2. **That prior to the submittal of the Building Permit for the second ranch hand's residence, a Building Permit is obtained for the existing 16' x 76' single-wide mobile home;**
3. **That an approved Building Permit be obtained for the new ranch hand'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;**
4. **That the minimum setback requirements of a General Agriculture District be continually maintained on the property;**
5. **That the subject property remains free of debris and junk vehicles;**
6. **That an On-Site Wastewater Construction Permit be obtained for the second ranch hand's residence prior to obtaining a Building Permit and that all rules of Pennington County Zoning Ordinance Section 204-J be met;**
7. **That prior to approval of the Building Permit for the existing 16' x 76' single-wide mobile home, the onsite wastewater treatment system (OSWTS) is verified to be sized correctly;**
8. **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,**

9. That this Conditional Use Permit be reviewed by September 24, 2020, 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.

9. **CONDITIONAL USE PERMIT REVIEW / CU 19-07:** Black Hills Kart Racing, LLC / David Price. To review a dirt track to be used for dirt track kart racing on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

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

(Continued from the August 26, 2019, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 19-07 with the following fifteen (15) conditions:

1. The CU 19-07 be for the following use: Dirt Kart Track; operated only during the following months May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 2:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail.
2. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the two addresses for the subject property be posted prior to the next review of CU 19-07 and in accordance with County Ordinance # 20;
4. That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;
5. That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the;
6. That the applicant acquire sign permits if the applicant were to locate any signs on the property;

7. That the applicant obtain any applicable federal, state, and local permits for the operation of the racetrack;
8. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
9. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
10. That the applicant continually maintains and adheres to the County's Storm Water Pollution Prevention Plan during any period of construction;
11. 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;
12. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
13. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
14. That at the next review for CU 19-07, the Landowner provide a written plan for the future removal and remediation of the area used for the Kart Track;
15. That this Conditional Use Permit be reviewed in September 2020, 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.

10. **CONDITIONAL USE PERMIT / CU 19-01:** NMMC, Inc; Terry Sayler. To allow for 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 A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2019, Planning Commission meeting.)

To continue Conditional Use Permit / CU 19-01 to no later than the October 28, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues, with the following one (1) condition:

- 1. That if additional continuations are required beyond October 28, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).**

Vote: unanimous 5 to 0.

- 11. CONDITIONAL USE PERMIT / CU 19-23: Margaret Steele. To allow for a ranch hand residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.**

GL 2; E1/2E1/2 OF GL 3; NE1/4NE1/4 NE1/4SW1/4; N1/2N1/2 NW1/4 SE1/4; Less Right-of-Way, Section 1, T1S, R11E, BHM, Pennington County, South Dakota.

To approve of the withdrawal of Conditional Use Permit / CU 19-23, with the applicant's concurrence, as it is not needed.

Vote: unanimous 5 to 0.

- 13. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.**

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To continue the review of Planned Unit Development / PU 06-07 to no later than the November 12, 2019, Planning Commission meeting.

Vote: unanimous 5 to 0.

- 14. PLANNED UNIT DEVELOPMENT REVIEW / PU 09-02: Salvation Army. To review the Salvation Army Camp Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.**

Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Planned Unit Development / PU 09-02 with the following twenty (20) conditions:

1. That the minimum setbacks from property lines continue to be twenty-five (25) feet from all property lines and fifty-eight (58) feet from Section Lines;
2. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
3. That a minimum of one 36-unit first aid kit continue to be provided and accessible to the public at all times.
4. That the internal driveway continue to be a minimum of a 24-foot-wide driving surface and maintained in a dust free manner;
5. That the uses for this Planned Unit Development shall continue to be limited to the existing uses already on the property, which include a bunkhouse with a capacity of 15 people, a picnic shelter, two (2) restrooms (male and female) with showers and toilets, a church shelter, a fire pit with seating, an officer's residence, two (2) wells and drainfields, and the expansion to include a pastor's prayer retreat cabin, a meeting/dining/safety hall, six (6) deck platforms, five (5) cabins, and five (5) RV sites;
6. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, an approved Floodplain Development Permit be obtained;
7. That a 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;
8. That any new On-Site Wastewater Treatment System be designed by an engineer and that all the supporting percolation tests and soil profile information be stamped by the engineer and obtain approval from the South Dakota Department of Environment and Natural Resources;
9. That the applicant ensures the rustic character of the property is continually maintained;
10. That no open fires, barbecue pits, fireplaces, or incinerators shall be allowed, unless a permit is approved and granted by the South Dakota Division of Wildland Fire. Copies of the permit shall be available for inspection;
11. That any parking areas be maintained in a dust free manner;

12. That each sleeping room have a smoke/heat detector and a carbon monoxide detector;
13. That a portable fire extinguisher with a minimum 2-A:10-BC rating shall continually be placed in each structure and shall be inspected and tagged annually, records of said inspection shall be maintained and available for inspection;
14. That each floor, where occupants are to sleep, shall continually have two (2) means of escape;
15. That the applicant continues to work with the Pennington County Fire Administrator in regards to evacuation, mitigation, building construction, water supplies, safety drills, emergency alerting systems and other safety issues and updates the evacuation plan annually;
16. Develop, execute and maintain a Hazardous Fuels Mitigation plan in conjunction with the South Dakota Division of Wildland Fire;
17. That the camp continually be limited to a maximum of one hundred (100) overnight total campers at one time;
18. That any new cabins be limited to one (1) story;
19. That all structures continue to be forty-five (45) feet from the west ridgeline; and,
20. That this Planned Unit Development 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.

15. **MINOR PLAT / MPL 19-25:** Julie Benson Wilber. To create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of NW1/4SE1/4, Lot A of SW1/4SE1/4, and Lot A of SE1/4SE1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

(Continued from the August 12, 2019, Planning Commission meeting.)

To continue Minor Plat / MPL 19-25 to the October 14, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

3. CONDITIONAL USE PERMIT REVIEW / CU 10-14: William and Carol Shay. To review an accessory structure, garage, without a primary structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 10-14 with seven (7) conditions.

Discussion followed.

Moved by Coleman and seconded Lasseter to approve of the extension of Conditional Use Permit / CU 10-14 with the following seven (7) conditions:

1. **That legal access continue to be maintained to the garage at all times and an access easement be dedicated or a new approach be constructed in compliance with an approved Approach Permit, if the subject property is ever sold separately from the adjacent property to the south;**
2. **That the existing septic system on the subject property be allowed to be utilized in accordance with the Rapid City Public Works Department's approval. If the existing septic system is not utilized, it needs to be properly abandoned in accordance with SDAR § 74:53:01:11 and inspected by the Rapid City Public Works Department;**
3. **That a Building Permit be obtained if any space within the detached garage is finished and for any structure exceeding 144 square feet or permanent**

anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

- 4. That the garage and shed continue to be used for personal use only and no commercial-type uses;**
- 5. That the property continually remains free of debris and junk vehicles at all times;**
- 6. That all natural drainage paths are continually maintained; and,**
- 7. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

12. CONDITIONAL USE PERMIT / CU 19-24: Wilkison Family Living Trust. To live in a shop building while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Mae West Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda for discussion and to amend the Conditions of Approval.

Staff recommended approval of Conditional Use Permit / CU 19-24 with the following nine (9) conditions:

- 1 That a Building Permit application for the proposed shop be submitted within one (1) year of approval of Conditional Use Permit / CU 19-24;
- 2 That applicant obtain an approved Removal Permit for the second tool shed, and that the shed be removed, prior to submission of a Building Permit application for the proposed shop.
- 3 That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit prior to submission of a Building Permit application for the proposed shop;
- 4 That the address assigned for the property be clearly posted on the shop while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;

- 5 That the minimum setback requirements of a Section Line right-of-way and Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
- 6 That the subject property remains free of debris and junk vehicles;
- 7 That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
- 8 That upon completion of the single-family residence, the shop may no longer be utilized as living quarters on the subject property; and,
- 9 That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by Rossknecht to approve of Conditional Use Permit / CU 19-24 with the following ten (10) conditions:

- 1. That the applicant obtain an approved Removal Permit for the second tool shed, and that the shed be removed prior to submission of a Building Permit application for the proposed shop be;**
- 2. That applicant obtain an approved Removal Permit for the second tool shed, and that the shed be removed, prior to submission of a Building Permit application for the proposed shop.**
- 3. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit prior to submission of a Building Permit application for the proposed shop;**
- 4. That the applicant work with the U.S. Forest Service to ensure there is legal and permitted access to the subject property;**
- 5. That the address assigned for the property be clearly posted on the shop while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;**
- 6. That the minimum setback requirements of a Section Line right-of-way and Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;**

7. **That the subject property remains free of debris and junk vehicles;**
8. **That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
9. **That upon completion of the single-family residence, the shop may no longer be utilized as living quarters on the subject property; and,**
10. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

16. MINOR PLAT / MPL 19-27: William and Makaley Parsons. To create Lots A and B of Knotty Pine Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

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

Bolstad reviewed the Staff Report indicating the applicants have applied for a Minor Plat to create Lots A and B of Knotty Pine Subdivision.

Staff recommended approval of Minor Plat / MPL 19-27 with the following seven (7) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots A and B obtain approved Lot Size Variances or be Rezoned appropriately;
2. That upon filing the Plat with the Register of Deeds, eight (8) 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;
3. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot B and at the approaches so they are visible from both directions of travel on Knotty Pine Road, in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

Moved by Rossknecht and seconded by Lasseter to approve of Minor Plat / MPL 19-27 with the following seven (7) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lots A and B obtain approved Lot Size Variances or be Rezoned appropriately;**
- 2. That upon filing the Plat with the Register of Deeds, eight (8) 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;**
- 3. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot B and at the approaches so they are visible from both directions of travel on Knotty Pine Road, in accordance with Pennington County's Ordinance #20;**
- 6. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,**

7. **That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

All voting aye, the Motion carried 5 to 0.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

17. CONSTRUCTION PERMIT REVIEW / CP 17-12: Lazy P6 Land Co. Inc. / Orvill Davis. To continue work initiated under Construction Permit 13-05, 14-02, 15-14, and 16-09. The proposed project includes stockpiling of soil for future use on-site. To continue reclamation of hay pasture west of Fifth Street.

South Gate Condos SE1/4; W1/2SW1/4 of Section 24, T1N, R7E; and W1/2SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota.

Doreff stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 17-12 with the following eight (8) conditions:

1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. 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;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;
5. That any natural drainage ways and paths be continually maintained;
6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;

7. 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,
 8. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.
18. 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 August 26, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
5. 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;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;

8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
 9. 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;
 10. That any portion of disturbed area that remain dormant for more than fourteen (14) days be stabilized and re-vegetated.
 11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO; and,
 12. That this Construction Permit be reviewed at the October 28, 2019, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.
19. CONSTRUCTION PERMIT REVIEW / CP 19-08: Mitch Morris. To review repair of an existing dam.

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

(Continued from the June 24, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue Construction Permit / CP 19-08 to the October 14, 2019, Planning Commission meeting with the following six (6) conditions:

1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
3. That the applicant or landowner have an engineer do a report to show that the increase in size of the spillway, will not have a negative effect on the drainage;
4. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
5. That the applicant signs a Statement of Understanding prior to CP 19-07 approval; and,
6. That this Construction Permit be reviewed at the October 14, 2019 Planning Commission meeting or as directed by the Planning Director.

20. CONSTRUCTION PERMIT / CP 19-14: Michael Willard; Willard Ranch Irrevocable Trust. To construct a road and level an area for a future building site in a General Agriculture District in accordance with Sections 205 and 507 of the Pennington County Zoning Ordinance.

Molitor stated Staff recommended the Planning Director approve Construction Permit / CP 19-14 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That a Floodplain Development Permit is approved prior to any disturbance in the Special Flood Hazard Area,
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
5. 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;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. 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;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;

11. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
12. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.

END OF CONSTRUCTION PERMIT AGENDA

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 9, 2019, Planning Commission meeting

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

There were no items from Staff.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Coleman will not be at the October 14th PC meeting.

25. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 9:28 a.m.

Rich Marsh, Chairperson